

CIRCUIT COURT FOR BALTIMORE COUNTY  
CIVIL CATEGORY JUDICIAL REVIEW 67/323/93CV10641

ATTORNEYS  
JOHN H. ZINK, III  
Robert A. Hoffman  
210 Allegheny Avenue  
P.O. Box 5517  
21204 494-6200

Carole S. Demilio  
Peter Max Zimmerman  
People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue 21204  
587-2188

THIS CASE HAS BEEN SPECIALLY  
ASSIGNED TO THE HONORABLE  
CHRISTIAN M. KAHL  
93 CV 10641

COSTS

6-LEADY 10.00  
6-LEADY 10.00  
CHECK TL 10.00  
#7500 2002 601 10.00  
10.00

ON NOV 14 PM 03 57

CASE NO.

Oct. 25, 1994. Hon. Christian M. Kahl. Motion to Alter or Amend Judgment and Request for hearing-Denied. (CMK)

True Copy Test  
JUDITH MESSER, Clerk  
Per *John M. Messer*  
Clerk

CIRCUIT COURT FOR BALTIMORE COUNTY  
CIVIL CATEGORY JUDICIAL REVIEW 67/323/93CV10641

PETITION OF YORK-RIDGELY  
JOINT VENTURE

FOR JUDICIAL REVIEW OF THE DECISION OF THE  
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ATTORNEYS

Robert A. Hoffman  
210 Allegheny Avenue  
P.O. Box 5517  
21204 494-6200

Carole S. Demilio  
Peter Max Zimmerman  
People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue 21204  
587-2188

IN THE CASE OF IN THE MATTER OF THE APPLICATION  
OF YORK-RIDGELY JOINT VENTURE FOR A ZONING  
RECLASSIFICATION FROM M.L.-I.M. TO B.L. ON  
PROPERTY LOCATED ON THE SWC OF YORK AND  
AYLESBURY ROADS

CASE NO.: R-93-306

TRANSCRIPT IN BASEMENT  
LOCATION: EXHIBIT 15  
BOX 126

THIS CASE HAS BEEN SPECIALLY  
ASSIGNED TO THE HONORABLE  
CHRISTIAN M. KAHL  
93 CV 10641

DE: MAILED 9/23/94

COSTS

(1) Nov. 26, 1993 Petition for Judicial Review. fd. Notice sent.

(2) Dec. 14, 1993 - Certificate of Notice fd. (Filed 11/30/93).

(3) December 27, 1993 Response of People's Counsel for Baltimore County  
to Petitions of York-Ridgely Joint Venture. fd. (rec'd 12/10/93)

(4) Jan 26, 1994 Transcript of Record, fd. Rec'd 1/27/94.

(5) Jan 28, 1994 Notice sent.

(6) March 3, 1994 (rec'd 2/28/94) Petitioner's memorandum. fd.

(7) Mar. 30, 1994 People's Counsel's Memorandum fd. (rec'd 3-28-94)

Aug. 31, 1994. Hon. Christian M. Kahl. Hearing had. Ruling held sub curia.  
Opinion and Order to be filed.

(8) Sep 19, 1994 Memorandum Opinion and Order of Court Affirming the  
the Board of Appeals, fd. (CMK)

MICROFILMED

True Copy Test  
JUDITH MESSER, Clerk  
Per *John M. Messer*  
Clerk

Docket 67

Page 323

Case 93CV

10641

R-93-306 -York-Ridgely  
CCT AFFIRMS CBA 9/15/94  
Hon. Christian M. Kahl  
PETITION FOR JUDICIAL REVIEW \* IN THE CIRCUIT COURT  
IN THE MATTER OF \*  
YORK-RIDGELY JOINT VENTURE \*  
FROM THE \*  
COUNTY BOARD OF APPEALS \* BALTIMORE COUNTY  
\* CASE NO. 93CV10641

MEMORANDUM OPINION

Petitioner herein, York-Ridgely Joint Venture ("York-Ridgely"), has filed a Petition for Judicial Review pursuant to Maryland Rule 7-201 et seq. seeking to reverse the decision of the Baltimore County Board of Appeals ("Board") denying Petitioner's application for reclassification of a 1.45 acre parcel at the southwest corner of York and Aylesbury Roads in Timonium ("Property"). The Board initially rejected York-Ridgely's application on October 29, 1993. The Board subsequently reaffirmed and clarified that decision on December 8, 1993 when it denied York-Ridgely's Motion for Reconsideration of the earlier decision. The Petition for Judicial Review was filed in this Court on November 26, 1993, shortly before the Board denied York-Ridgely's Motion for Reconsideration.

In this case York-Ridgely sought reclassification of a parcel currently zoned M.L.-I.M. (Manufacturing, Light-Industrial, Major) as it has been since 1980. York-Ridgely asserted that the parcel should be zoned B.L. (Business, Local) or B.M. (Business, Major), either of which would permit commercial or retail use of the parcel. Until recently, the Property had been leased by Comcast Cablevision as its local headquarters, a use consistent with the office.

FILED SEP 19 1994

MICROFILMED

warehouse and manufacturing uses permitted in M.L.-I.M. zones (Section 353, Baltimore County Zoning Regulations.) The Property has remained vacant since the expiration of the Comcast lease in early 1993, though evidence before the Board shows that York-Ridgely has received inquiries regarding office leasing (T.16, 26).

The decision of the Board below and the conduct of this review are governed by §2-356 of the Baltimore County Code ("Code") which sets forth the procedures and standards applicable to requests for interim zoning reclassification. That section provides that reclassification may occur only where the Board finds that "there has occurred a substantial change in the character of the neighborhood ... since the property was last classified [in the comprehensive rezoning process] or that the last classification of the property was established in error." Baltimore County Code 1988, §2-356(f) (emphasis added). To establish "error" legally sufficient to permit reclassification the petitioner must demonstrate that "the assumptions or premises relied upon by the [County] Council at the time of the comprehensive [re]zoning were invalid." *Boyce v. Shinsky*, 25 Md. App. 43, 50-51 (1975). When asserting the presence of "error" the petitioner must present "strong evidence of mistake [or error] in the original zoning" because the actions of the County Council enjoy a presumption of validity. *Boyce*, 25 Md. App. at 49-50 (quoting *Trainer v. Bishwin*, 269 Md. 667, 672-73 (1973), *Stratakis v. Beachchawp*, 358 Md. 643, 652-53 (1973)) (emphasis in original).

York-Ridgely first asserts that the Board failed to provide an adequate explanation for its two decisions, and that its written decisions suggest the Board misapplied the legal standards set forth above. Pet'r. Mem., 6. The Board's first opinion is somewhat misleading in that it suggests the Board considered the "change" and "error" standards to be equivalent. Board of Appeals Op., 6. The Ruling on Petitioner's Motion for Reconsideration clarifies any uncertainty, however. As York-Ridgely correctly points out the standards set forth in *Boyce* allow a party seeking reclassification to establish error either:

... by showing that at the time of the comprehensive [re]zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that that Council's action was premised initially on a misapprehension [or] ... by showing that events occurring subsequent to the comprehensive [re]zoning have proven that the Council's initial premises were incorrect.

*Boyce*, 25 Md. App. at 51 (citations omitted).

The language in the Ruling on Petitioner's Motion for Reconsideration tracks closely with that utilized in *Boyce* in explaining York-Ridgely's failure to satisfy the standards of *Boyce*. The Board stated that "[t]his record is devoid of any evidence to show that, at the time of the comprehensive zoning of the property, the Council failed to take into account any facts or circumstances then existing relevant to the subject property and its environs." Ruling on Pet'r. Mot. for Recons., 1. The Board then adds that it cannot "determine that [the Council's] assumptions and premises in determining the appropriate classification for the subject property were

erroneous." *Id.* After acknowledging the presence of evidence of events occurring subsequent to comprehensive rezoning suggesting that a different classification might be more "appropriate" the Board finally concludes that "[u]nder all of the circumstances in this case, the presumption of validity accorded to the comprehensive rezoning was not overcome and the standard of 'error' or 'mistake' ... was not met." *Id.* While not broadly elaborated upon, this language makes it plainly apparent that the Board did not misunderstand, and thus misapply, the operative legal standards in ruling on York-Ridgely's request for reclassification. Therefore, York-Ridgely is not entitled to relief on this basis.

York-Ridgely next contends that the Board's decisions were contrary to what it labels "uncontradicted" evidence supporting reclassification on the basis of "error" or "mistake". Pet'r. Mem., 16. While a review of the Board of Appeals' record reveals evidence probative of error, this Court must be mindful that the Petitioner bears the "onerous" burden of producing "strong evidence" of mistake in the original comprehensive rezoning. *Stratakis*, 268 Md. at 652-53. In the present case, York-Ridgely has failed to carry that burden insofar as it failed to produce the required strong evidence of either mistaken assumptions by the Council or changes occurring subsequent to the Council's 1992 comprehensive rezoning which would constitute legal error.

The record is devoid of any evidence that the County Council failed to account for any facts or trends such that its

maintenance of M.L.-I.M. zoning for the Property in the 1992 comprehensive rezoning was premised upon mistaken assumptions. Indeed, the only suggestion made that such an omission occurred is raised in Petitioner's memorandum of law. York-Ridgely suggests therein that the Council failed to accommodate a "trend" away from industrial usage and toward retail development in the York Road corridor. Pet'r. Mem., 9. Absent evidence in the record, this suggestion, standing alone, does not meet the standards set forth by Maryland's appellate courts. To establish error based upon failure to account for events reasonably foreseeable of fruition one must produce evidence "that the [County] Council failed to make any provision to accommodate a project, trend or need which it, itself recognized as existing at the time of the comprehensive [re]zoning." *Boyce*, 25 Md. App. at 52 (citing *Jobar Corp. v. Rodgers Forge Community Ass'n*, 236 Md. 106, 116-17 (1964)) (emphasis added). York-Ridgely has failed to offer any evidence establishing the County Council failed to account for any trend toward retail development in the project area. It can refer only to the Board's apparent recognition that such a trend is ongoing. Op. of October 29, 1993, 5, Pet'r. Mem., 8. Absent evidence of any specific omission by the County Council, this Court cannot presume the Council erred in this way, and York-Ridgely's requested relief cannot be granted on this basis.

York-Ridgely also fails to produce evidence of any events occurring subsequent to the 1992 comprehensive rezoning process which would indicate that the County Council's initial premises

MICROFILMED



Refinery #8

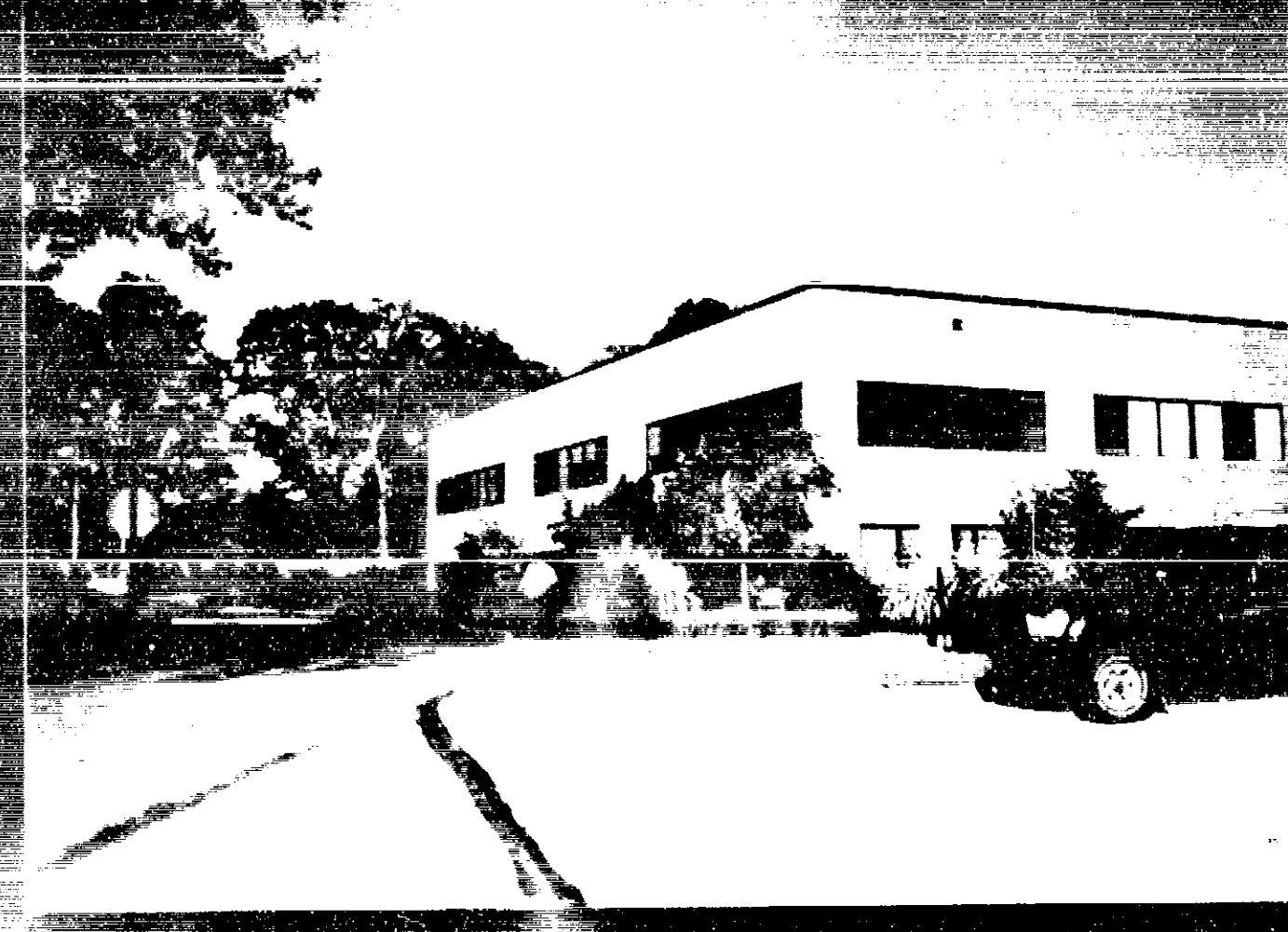
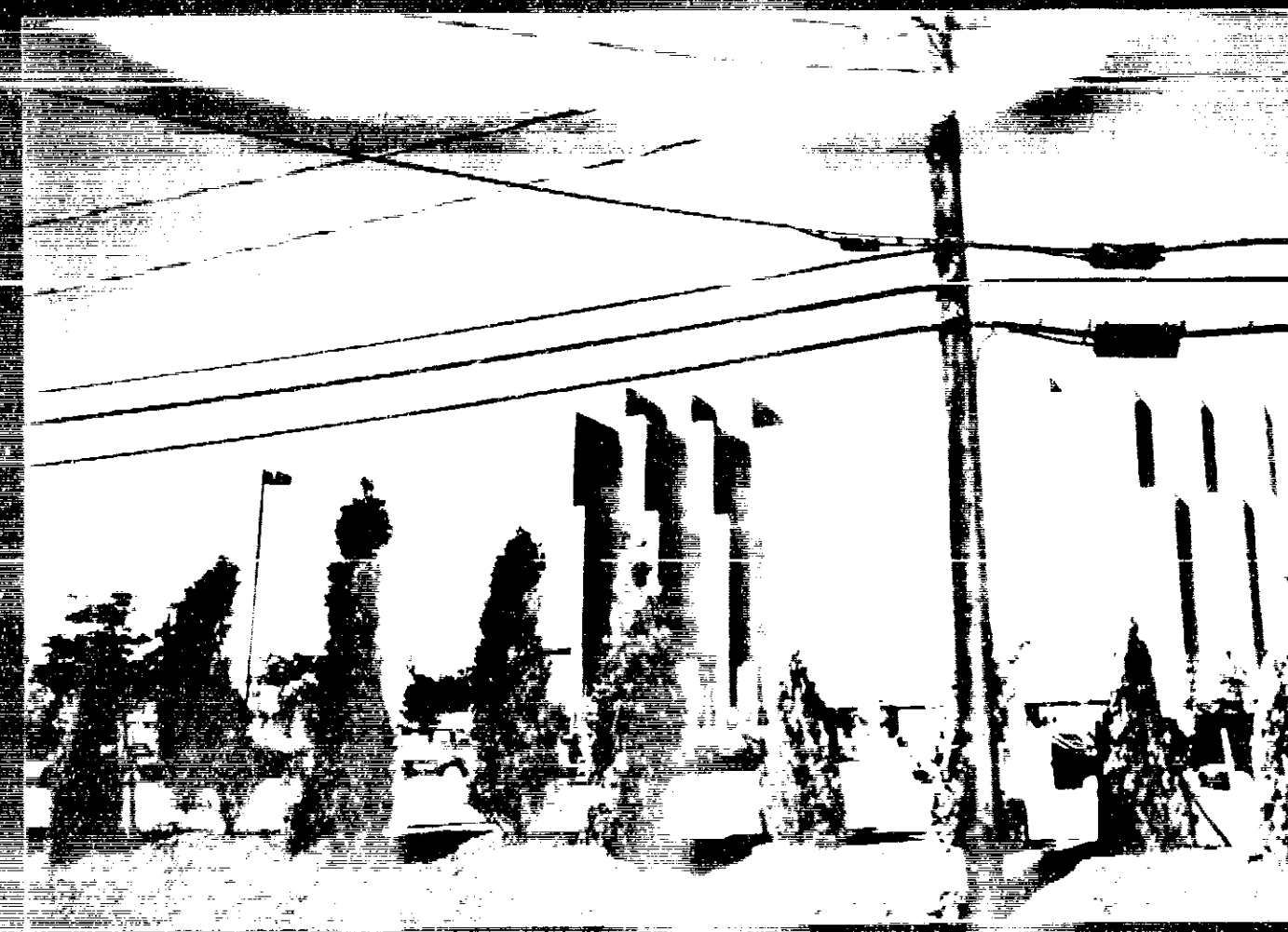
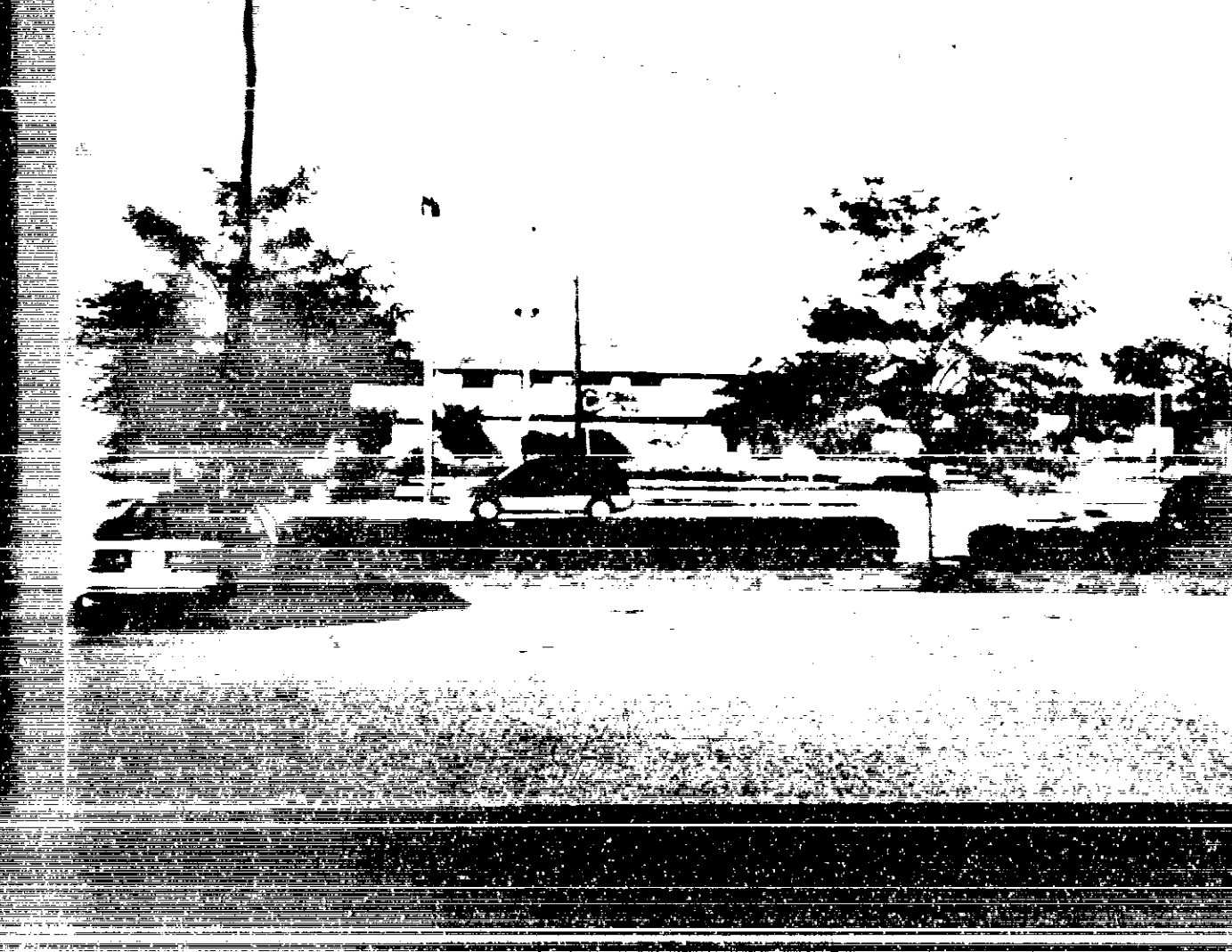
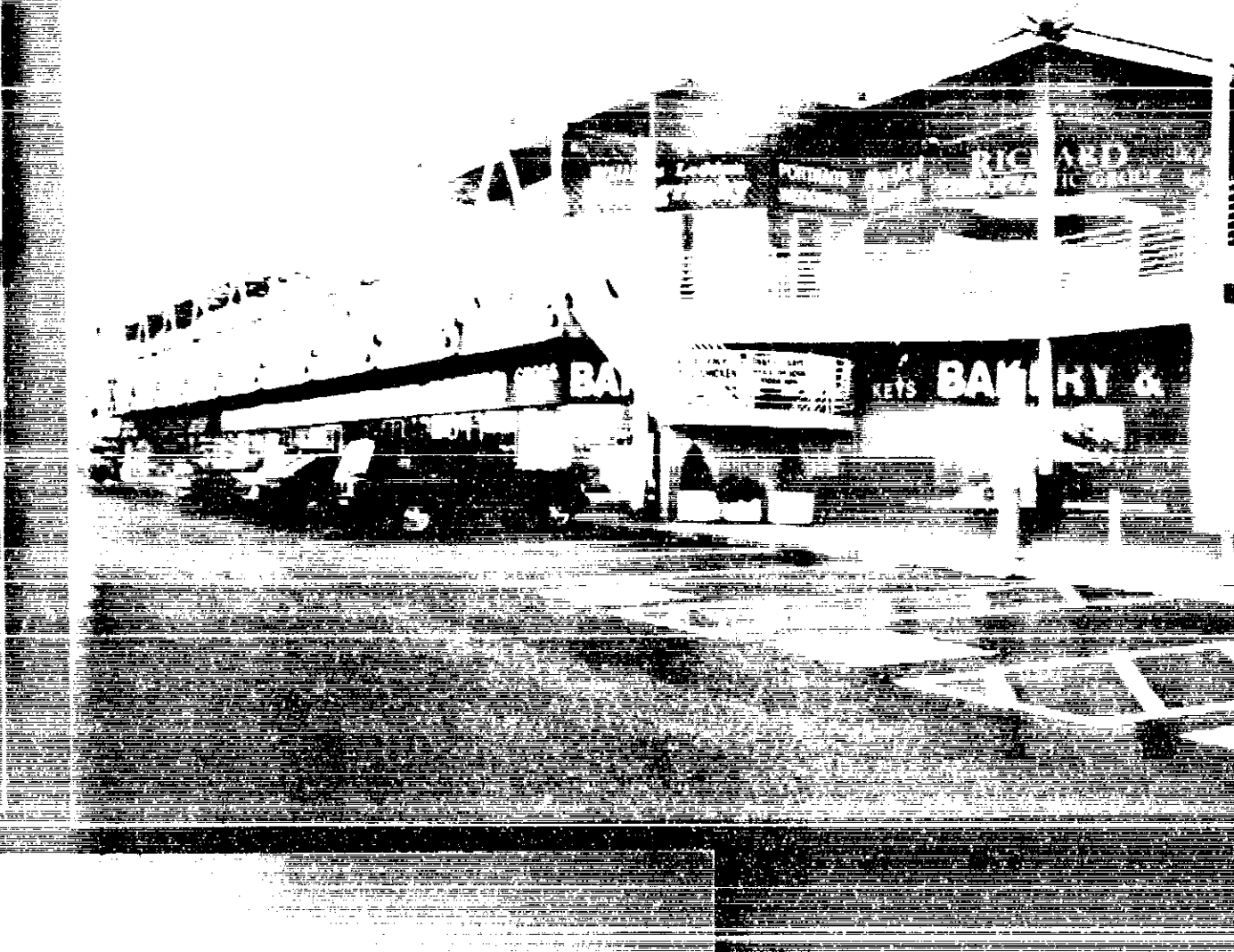
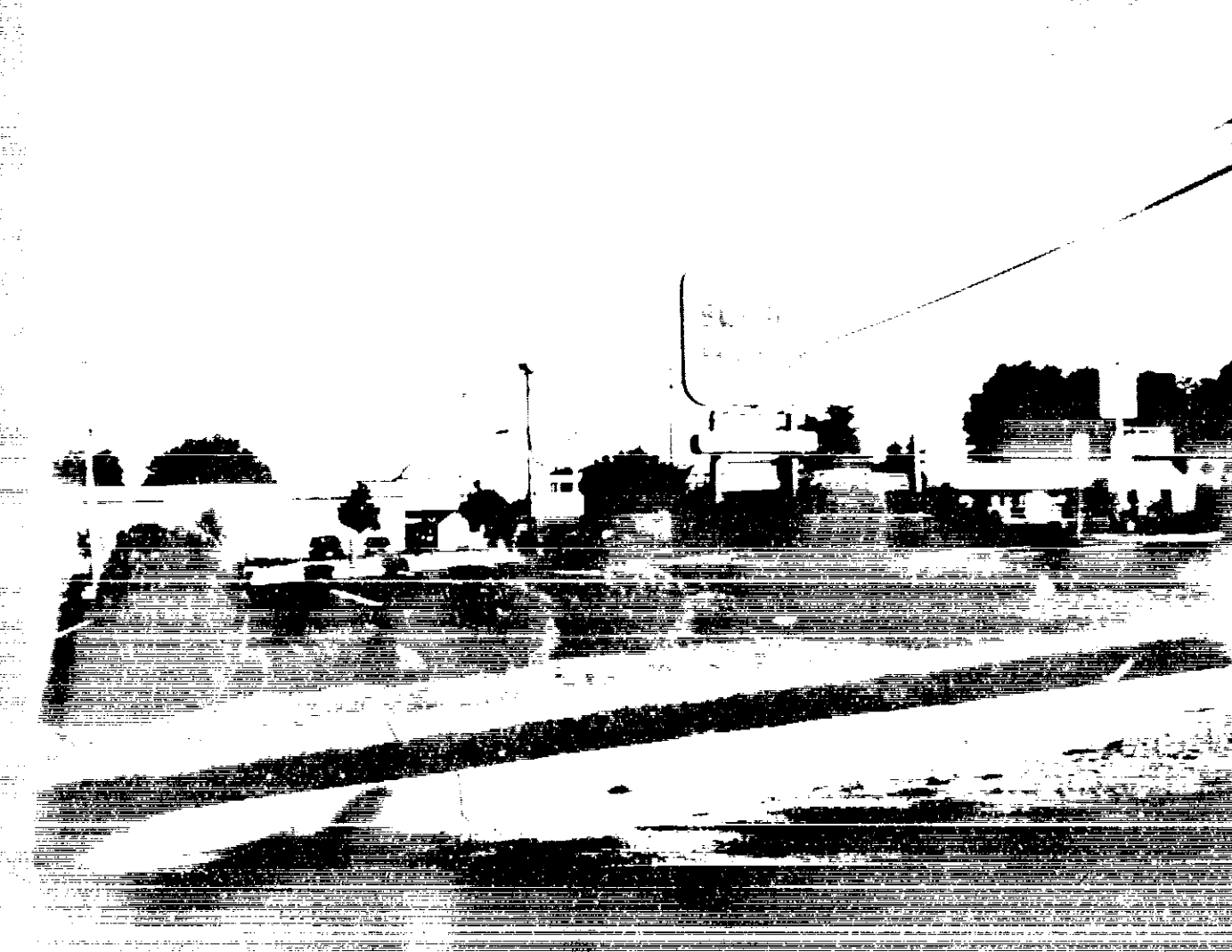
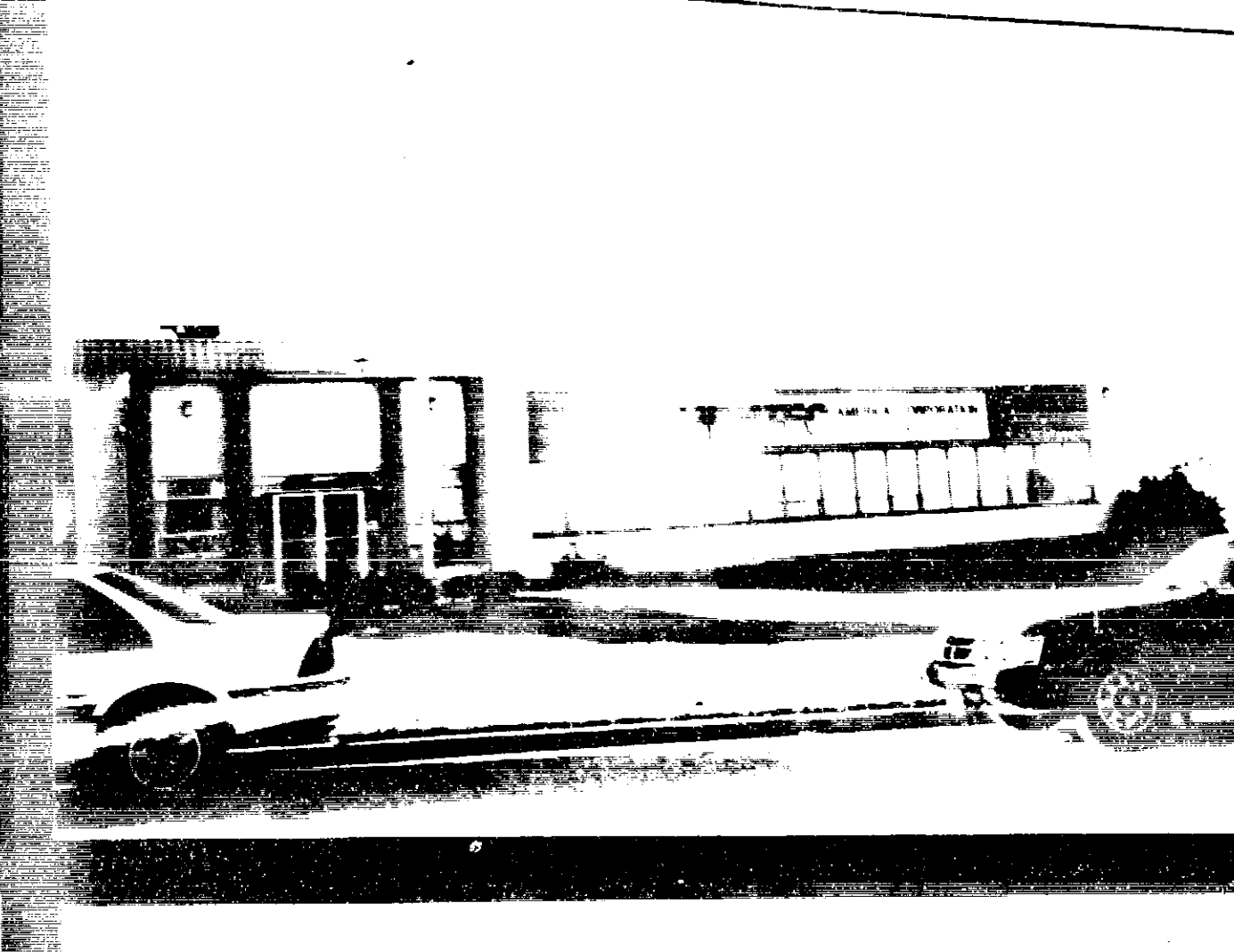
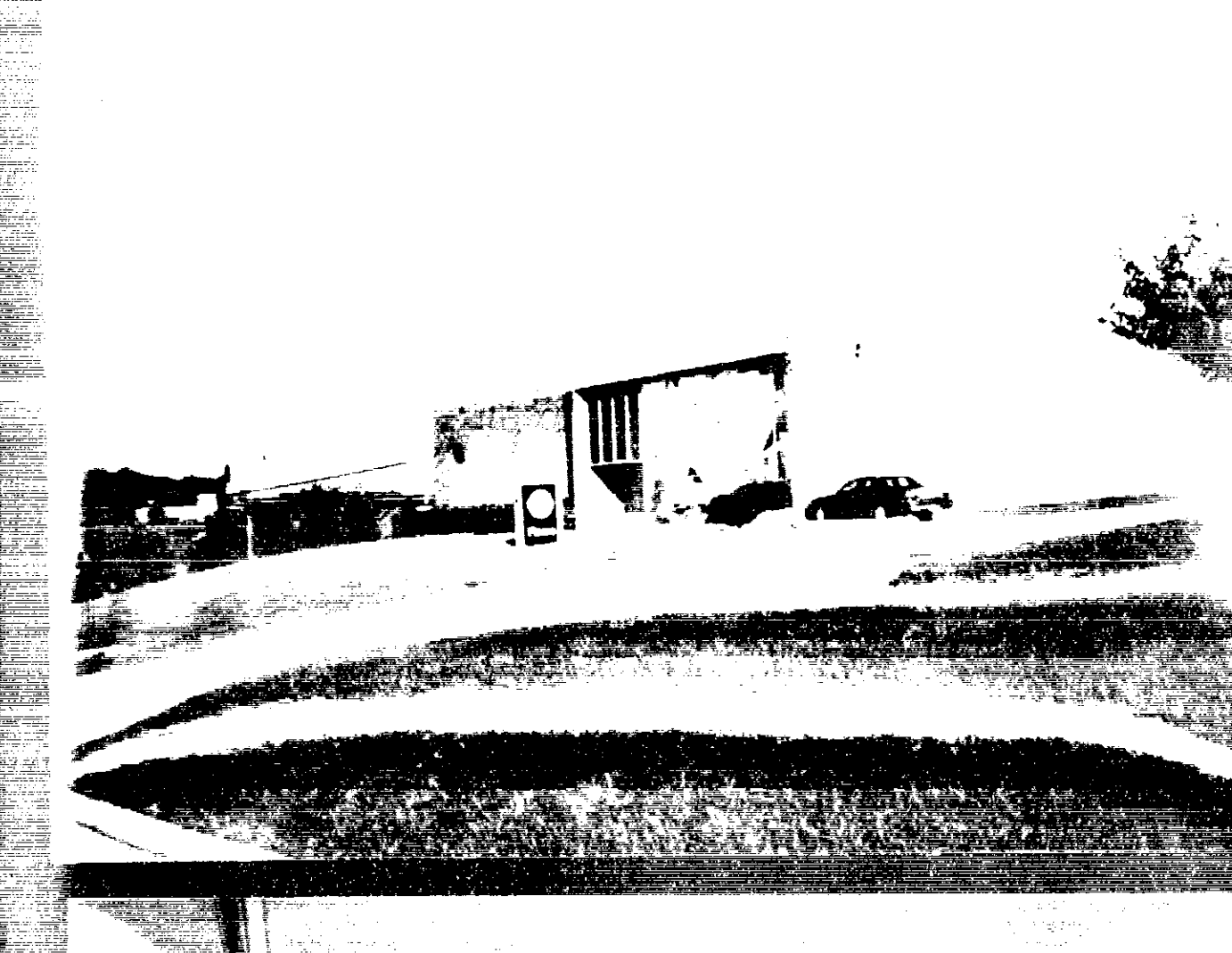
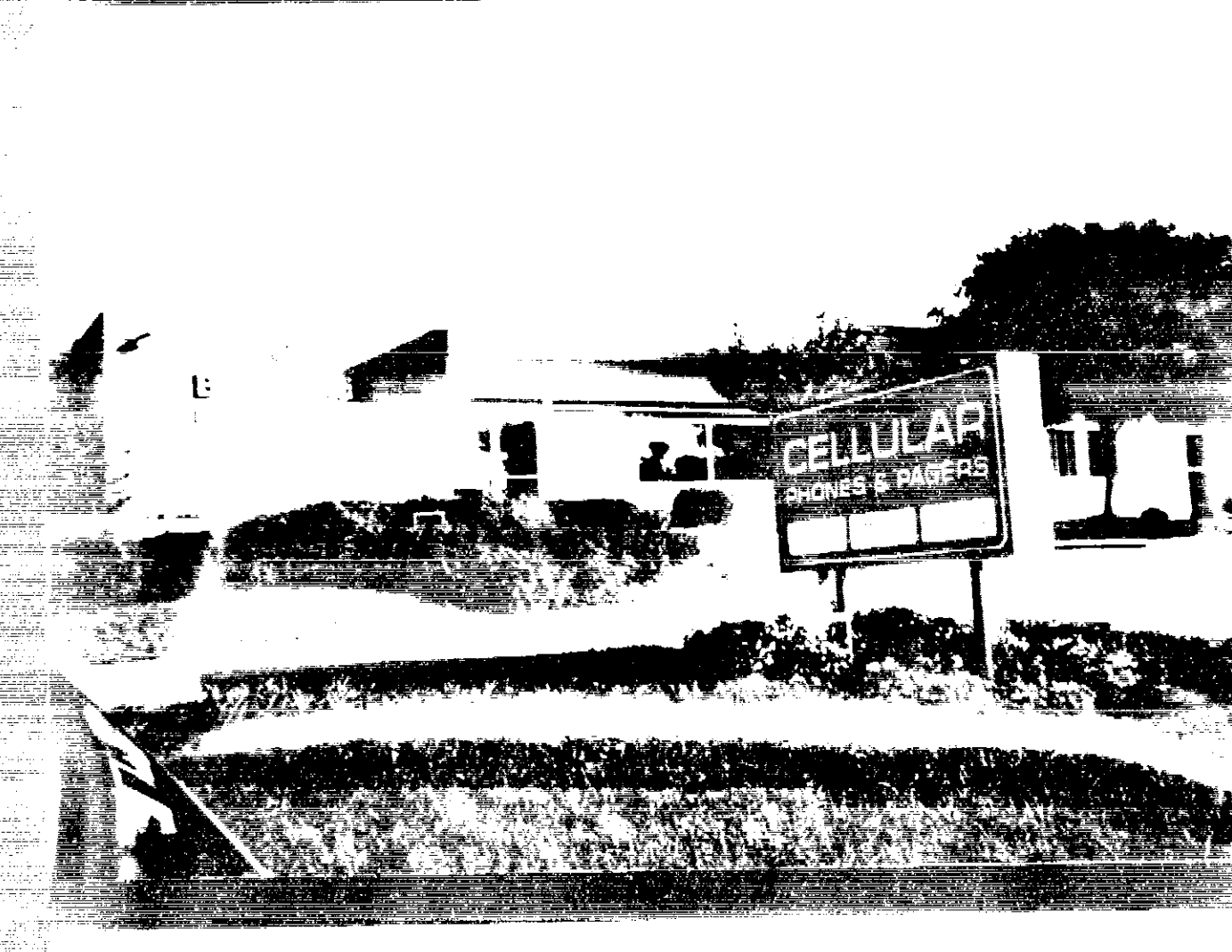
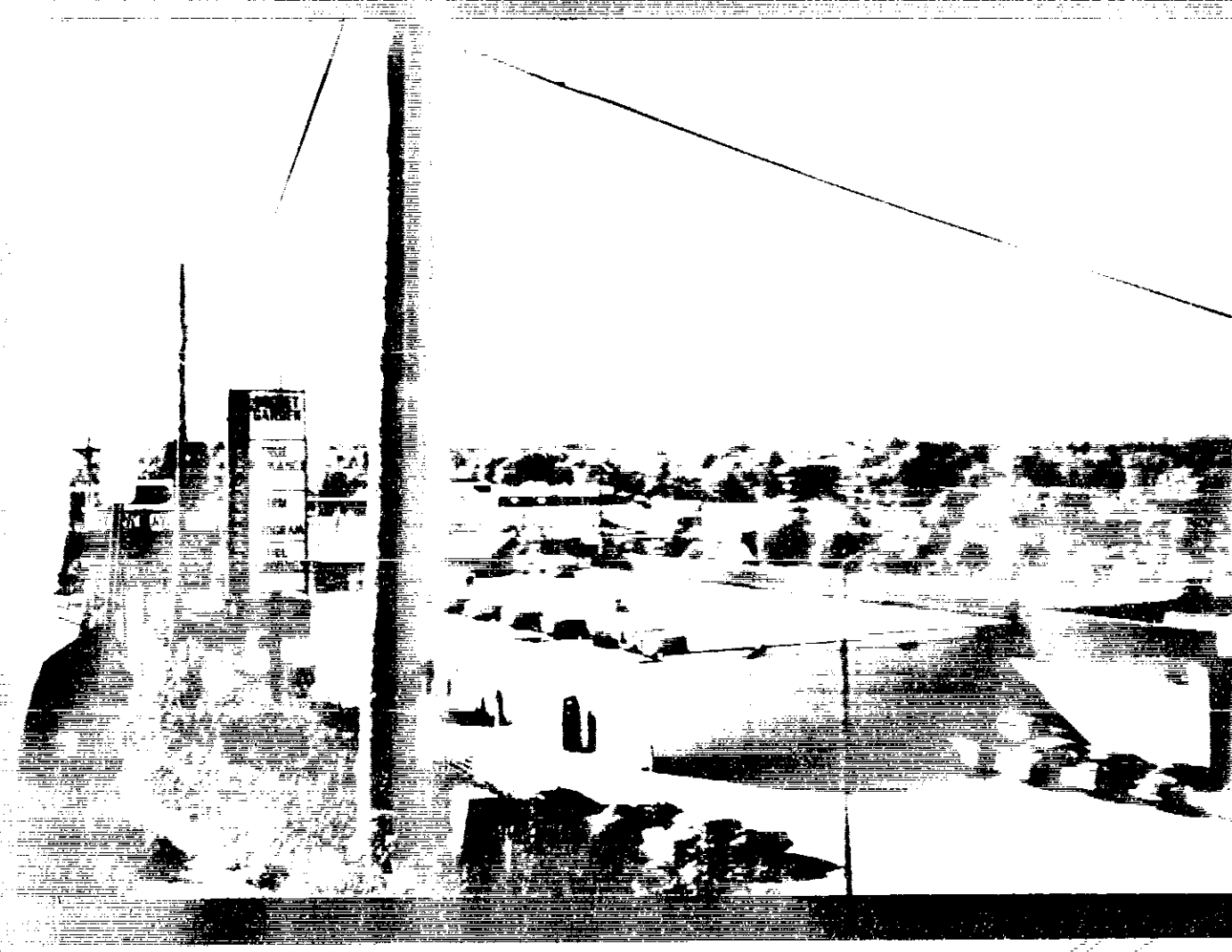
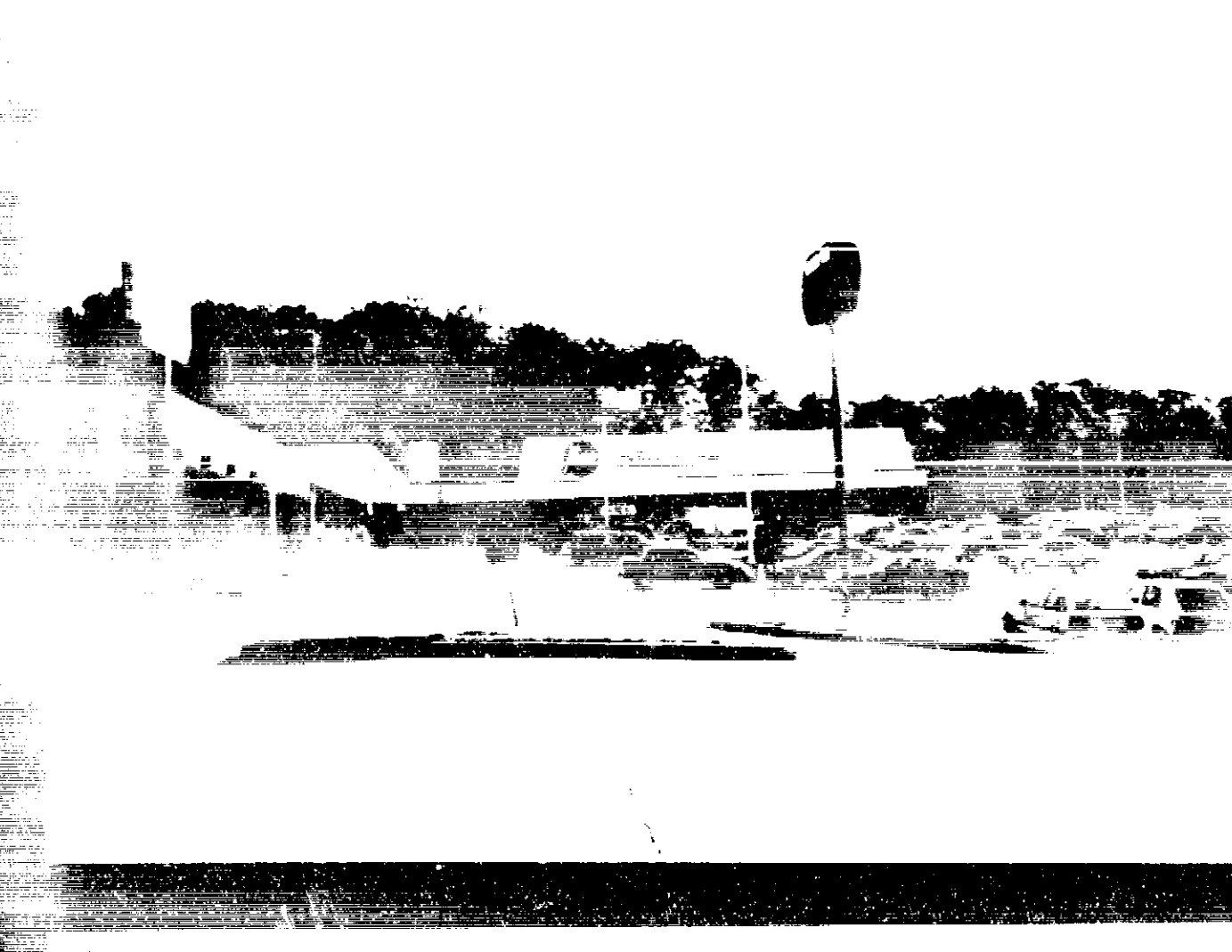
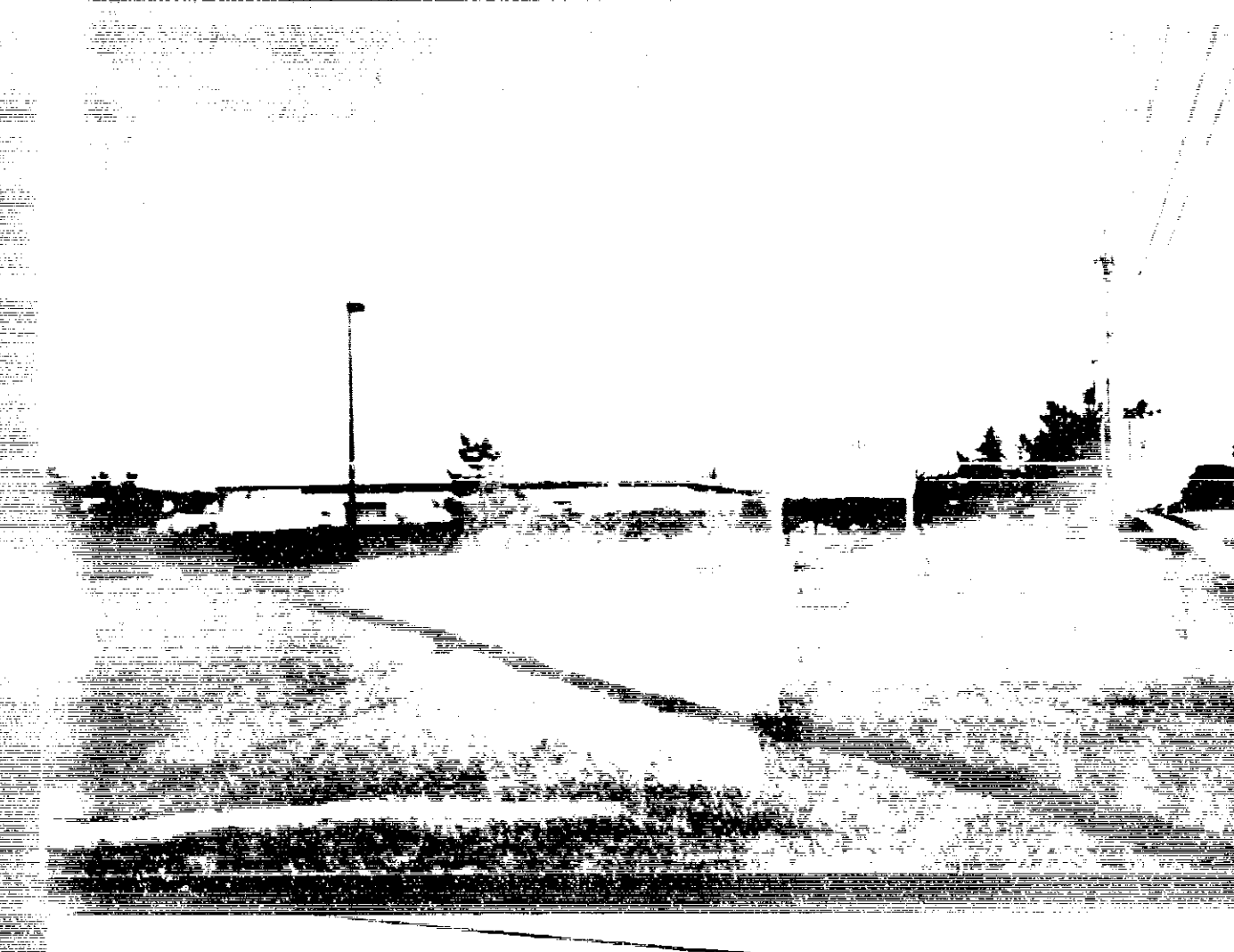
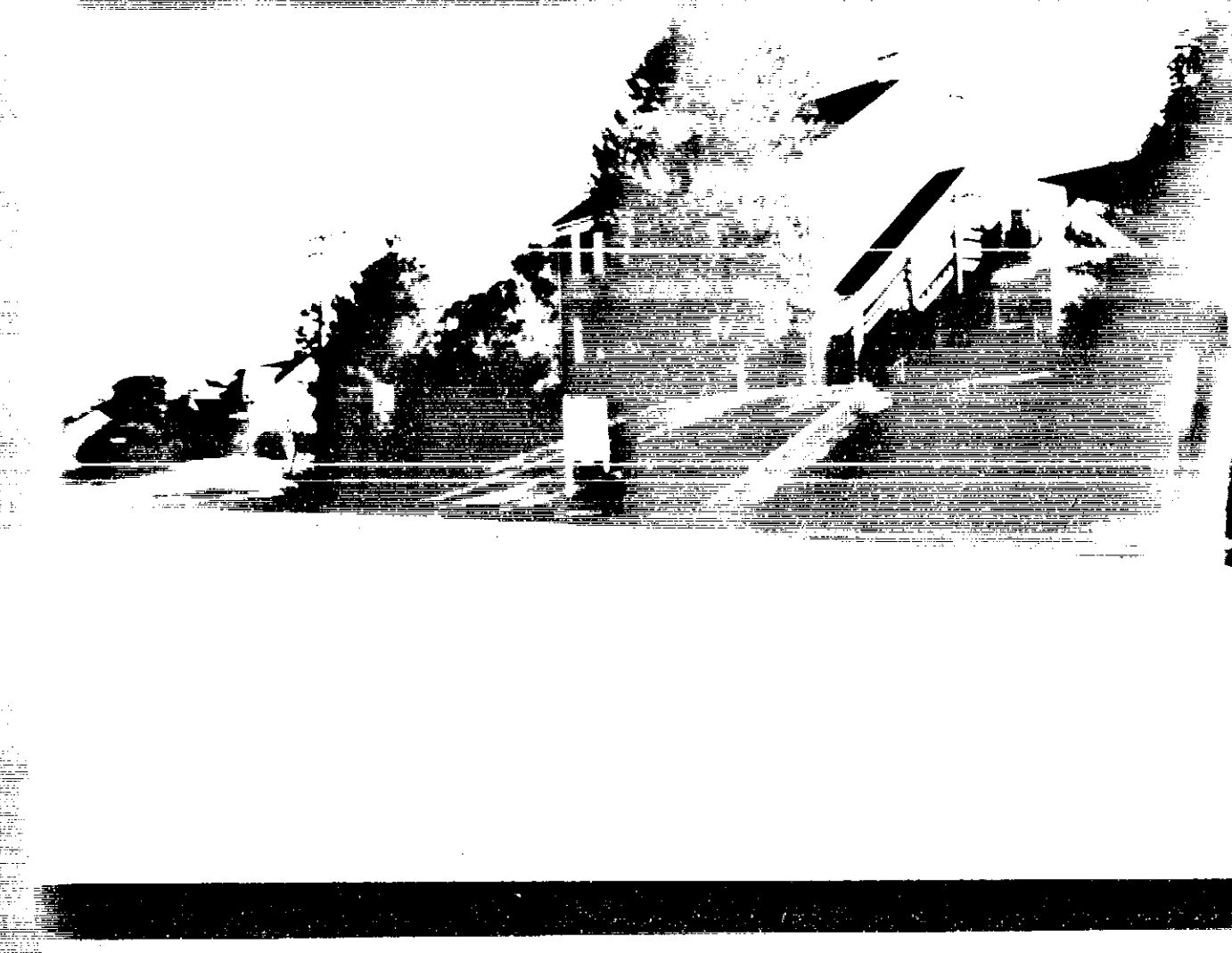
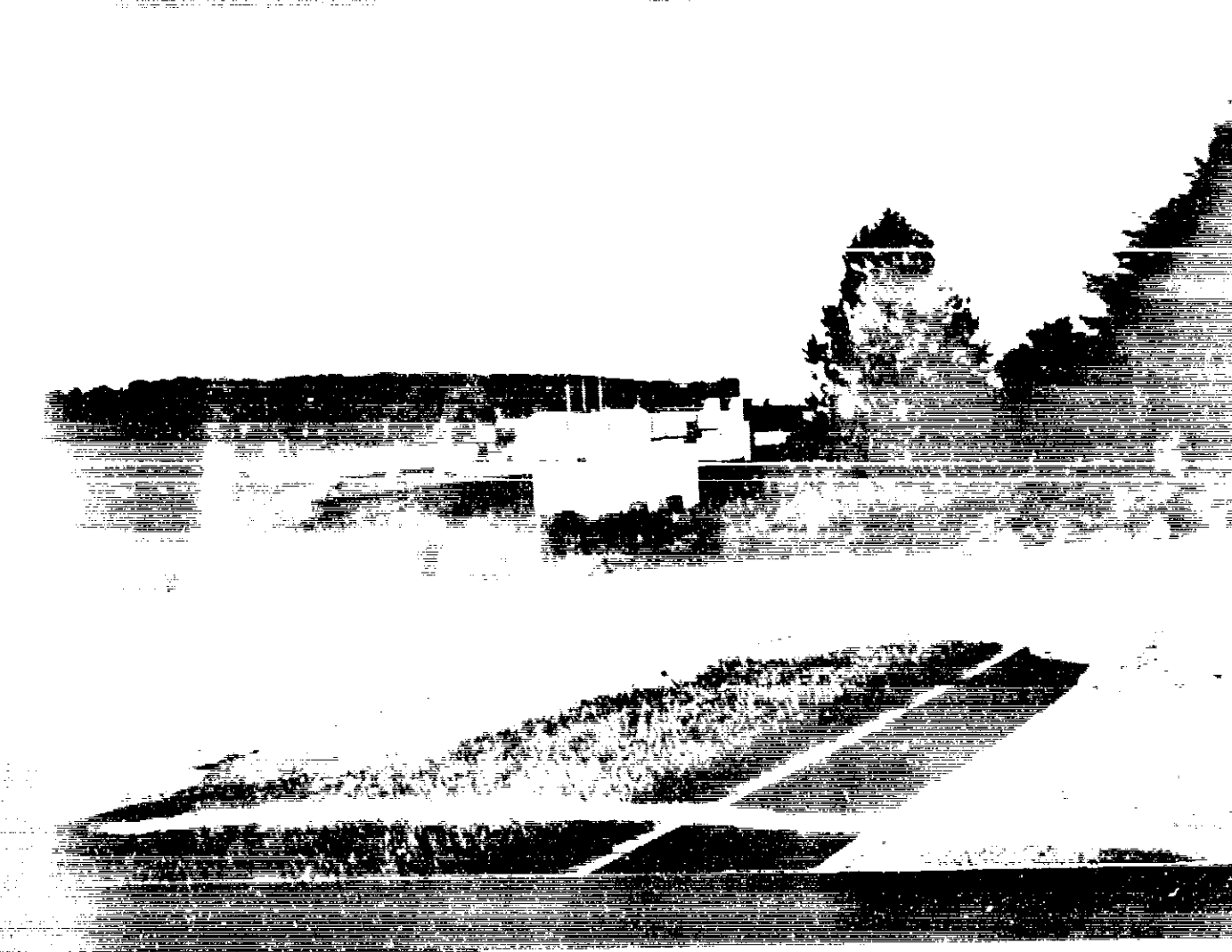
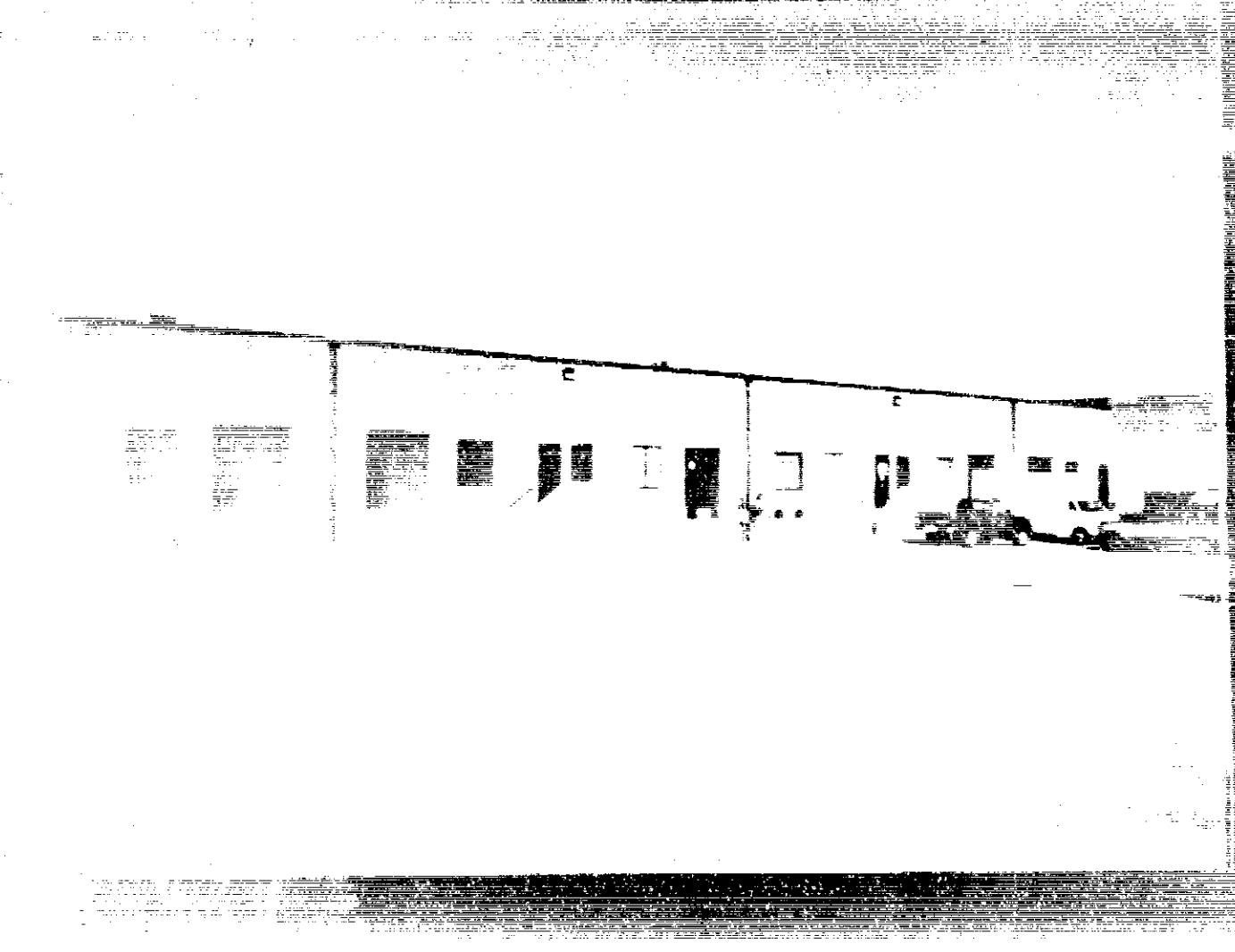
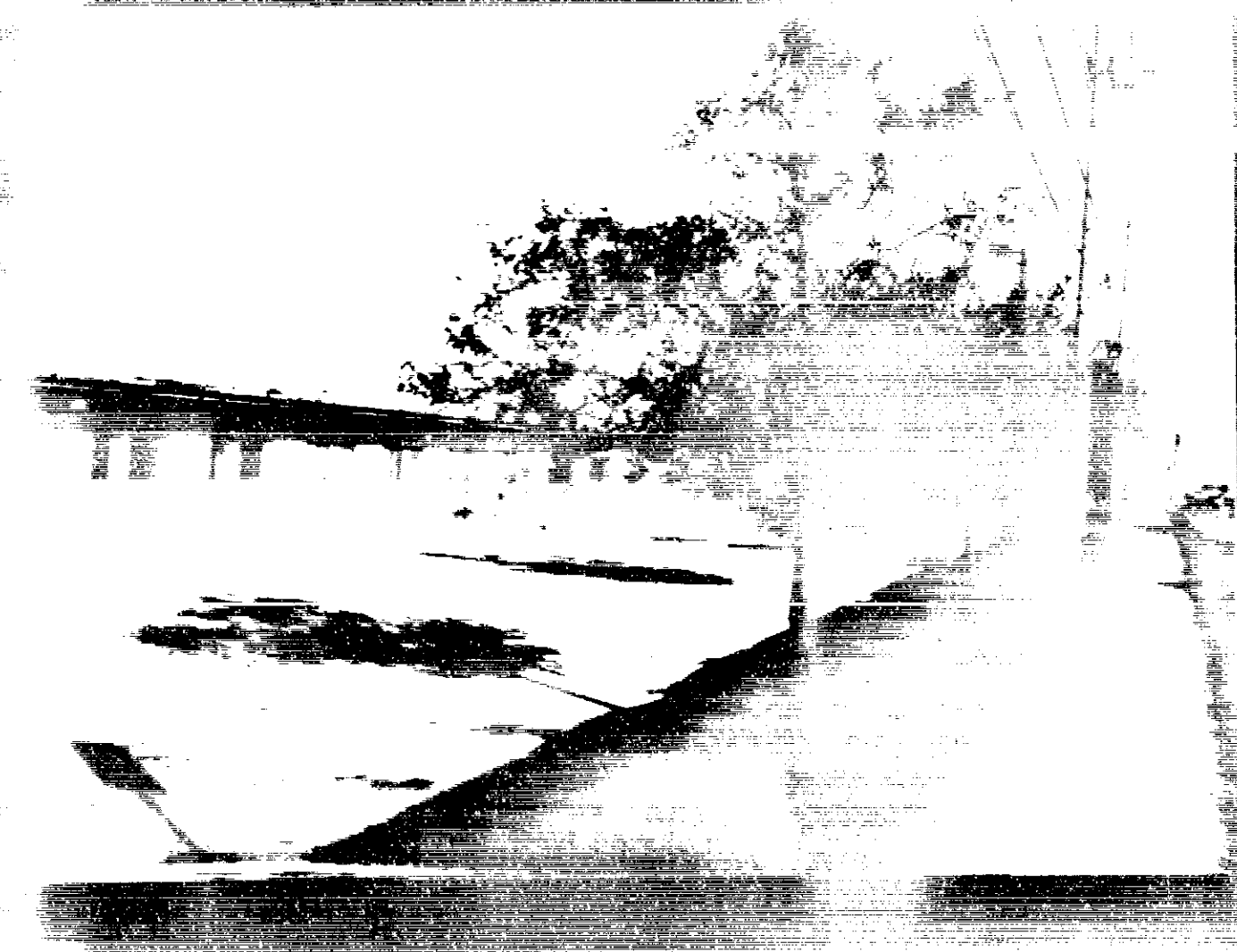
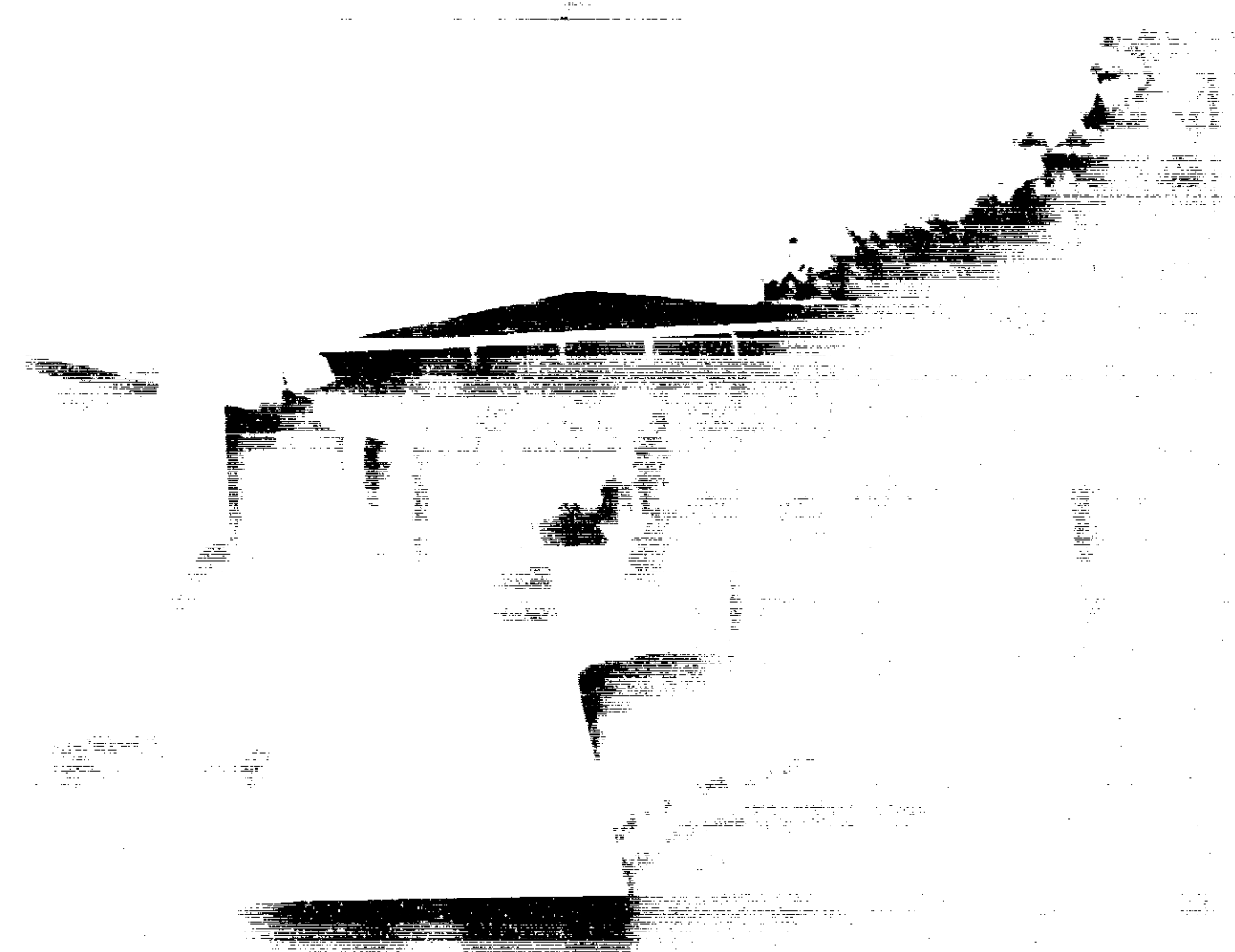
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Bill Howard  
Chairman, County Council

SCALE  
1" = 200'  
DATE  
OF PHOTOGRAPHY  
JANUARY 1988  
LOCATION  
TIMONIUM  
N.W.  
13 A









Indeed, a review of the record before the Board of Appeals indicates that the County Council was correct in its decision that both a need and a demand for office and industrial use would continue to exist in the immediate area. For example, Gerald Witt, the Petitioner's first witness below and the property owner's director of marketing, admitted he still receives inquiries regarding office use of the Property. He also admitted that the Property could be used for offices and has been so used without problem for the previous 15 years. Jeffrey Long of the Office of Planning and Zoning was also called by York-Ridgely. In response to cross-examination by People's Counsel he concurred that a use of the Property in accordance with M.L. zoning could be both "transitional" and "attractive." (T. 75). The absence of evidence establishing error by the Council, coupled with the evidence demonstrating the adequacy and reasonableness of the current zoning of the Property, makes it readily apparent that York-Ridgely has not carried the burden of establishing error pursuant to §1-356. Therefore this Court cannot reverse the Board's denial of York-Ridgely's petition for reclassification.

In short York-Ridgely's request based upon the evidence presented below the Board would have been required to substitute its judgment for that of the County Council. The Board lacks the authority to do so as regards the propriety of the Property's zoning classification. While it may be true that a change of zoning may be preferable here for marketing purposes, unfavorable economic circumstances do not, alone, justify a

change of zoning. See, e.g., Cabin John Ltd. v. Montgomery Co., 259 Md. 661 (1970). The proximity of the Property to other parcels zoned for commercial use also does not justify a change of zoning. As the Court of Appeals stated in Montgomery County v. Pleasant's, "[z]oning inevitably involves the drawing of lines," Pleasant's, 266 Md. 462, 467 (1972), and the mere fact that substantial evidence may be presented to show that the line should have been drawn elsewhere does not require the Board of Appeals to draw it elsewhere.

For all of the foregoing reasons, the decision of the Board of Appeals is AFFIRMED.

True Copy Test

Signature of Christian M. Kahl

Christian M. Kahl

Date Sept 15, 1993

CMK:emh

cc: John Zink, Esquire  
Carole S. Demilio, Esquire

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY  
PETITION OF YORK-RIDGELY JOINT VENTURE  
5720 Executive Drive  
Baltimore, MD 21228-1789  
FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204  
IN THE CASE OF: IN THE MATTER OF  
THE APPLICATION OF  
YORK-RIDGELY JOINT VENTURE  
FOR A ZONING RECLASSIFICATION  
FROM M.L.-I.M. TO S.L. ON  
PROPERTY LOCATED ON THE SWC  
OF YORK AND AYLESBURY ROADS  
(1830 YORK ROAD)  
CASE NO. R-93-306

CIVIL  
ACTION  
No. 93-CV-10641  
/67/323

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett, C. William Clark and Harry E. Buchheister, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Robert A. Hoffman, Esquire, VENABLE, BAETJER & HOWARD, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21285-5517, Counsel for Petitioner; Edward St. John, York-Ridgely Joint Venture, c/o MIE Investment Co., 5720 Executive Drive, Baltimore, MD 21228-1789, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Signature of Charlotte E. Radcliffe  
Charlotte E. Radcliffe  
Legal Secretary, County Board  
of Appeals, Room 49, Basement -  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

R-93-306, York-Ridgely Joint Venture  
File No. 67/323/93-CV-10641

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert A. Hoffman, Esquire, VENABLE, BAETJER & HOWARD, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21285-5517, Counsel for Petitioner; Edward St. John, York-Ridgely Joint Venture, c/o MIE Investment Co., 5720 Executive Drive, Baltimore, MD 21228-1789, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, on this 30th day of November, 1993.

Signature of Charlotte E. Radcliffe  
Charlotte E. Radcliffe  
Legal Secretary, County Board  
of Appeals, Room 49, Basement -  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

November 30, 1993

Robert A. Hoffman, Esquire  
VENABLE, BAETJER & HOWARD  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, MD 21285-5517

RE: Civil Action No. 93-CV-10641  
YORK-RIDGELY JOINT VENTURE

Dear Mr. Hoffman:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Signature of Charlotte E. Radcliffe  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: Edward St. John, General Partner  
York-Ridgely Joint Venture



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

November 30, 1993

Peter Max Zimmerman, Esquire  
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY  
400 Washington Avenue, Room 47  
Towson, Maryland 21204

RE: Civil Action No. 93-CV-10641  
YORK-RIDGELY JOINT VENTURE

Dear Mr. Zimmerman:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on November 26, 1993 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Signature of Charlotte E. Radcliffe  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: James Earl Kraft  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards  
Docket Clerk /ZADM  
Arnold Jablon /ZADM

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF YORK-RIDGELY JOINT VENTURE  
5720 Executive Drive  
Baltimore, MD 21228-1789

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF  
THE APPLICATION OF  
YORK-RIDGELY JOINT VENTURE  
FOR A ZONING RECLASSIFICATION  
FROM M.L.-I.M. TO S.L. ON  
PROPERTY LOCATED ON THE SWC  
OF YORK AND AYLESBURY ROADS  
(1830 YORK ROAD)  
ZONING CASE NO. R-93-306

CIVIL  
ACTION  
No. 93-CV-10641  
/67/323

PROCEEDINGS BEFORE THE COUNTY BOARD OF  
APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, C. William Clark, and Harry E. Buchheister, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of Zoning Administration and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE COUNTY BOARD OF APPEALS AND  
OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

No. R-93-306  
March 1, 1993 Petition for Reclassification filed by Robert A. Hoffman, Esquire, on behalf of York-Ridgely Joint Venture (see revised Petition for Reclassification filed July 15, 1993).  
April 30 Comments from the Baltimore County Zoning Plans Advisory Committee.

R-93-306, York-Ridgely Joint Venture  
File No. 67/323/93-CV-10641

Date	Description
July 15, 1993	Revised Petition for Reclassification submitted by Robert A. Hoffman, Esquire, on behalf of York-Ridgely Joint Venture, in open hearing before the Board of Appeals, to change zoning status from an M.L.-I.M. zone to a B.M. to allow vehicular parking on travelways of an off-street parking facility.
July 16	Comments of Baltimore County Zoning Administration and Development Management and the Planning Office.
September 9	Publication in newspapers.
September 17	Certificate of Posting of property.
October 5	Hearing before the County Board of Appeals.
October 29	Opinion and Order of the Board DENYING the Petition for Reclassification.
November 4	Motion for Reconsideration filed by Robert A. Hoffman, Esquire.
November 12	People's Counsel's Answer to Motion for Reconsideration filed by Peter Max Zimmerman.
November 24	Open deliberation on Motion for Reconsideration. Motion denied; written ruling to be issued.
November 26	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Robert A. Hoffman, Esquire, on behalf of York-Ridgely Joint Venture.
November 29	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
November 30	Certificate of Notice sent to interested parties.
December 8	Ruling on Petitioner's Motion for Reconsideration issued by the Board DENYING Motion for Reconsideration.
January 27, 1994	Transcript of testimony filed. Petitioner's Exhibits No. 1 - Plat of Site (in color). 2 - Elevation drawings of buildings. 3 - Environmental Impact Statement. 4 - Daily Record article on North Park. 5 - Report by Planning Board to Board

MICROFILMED

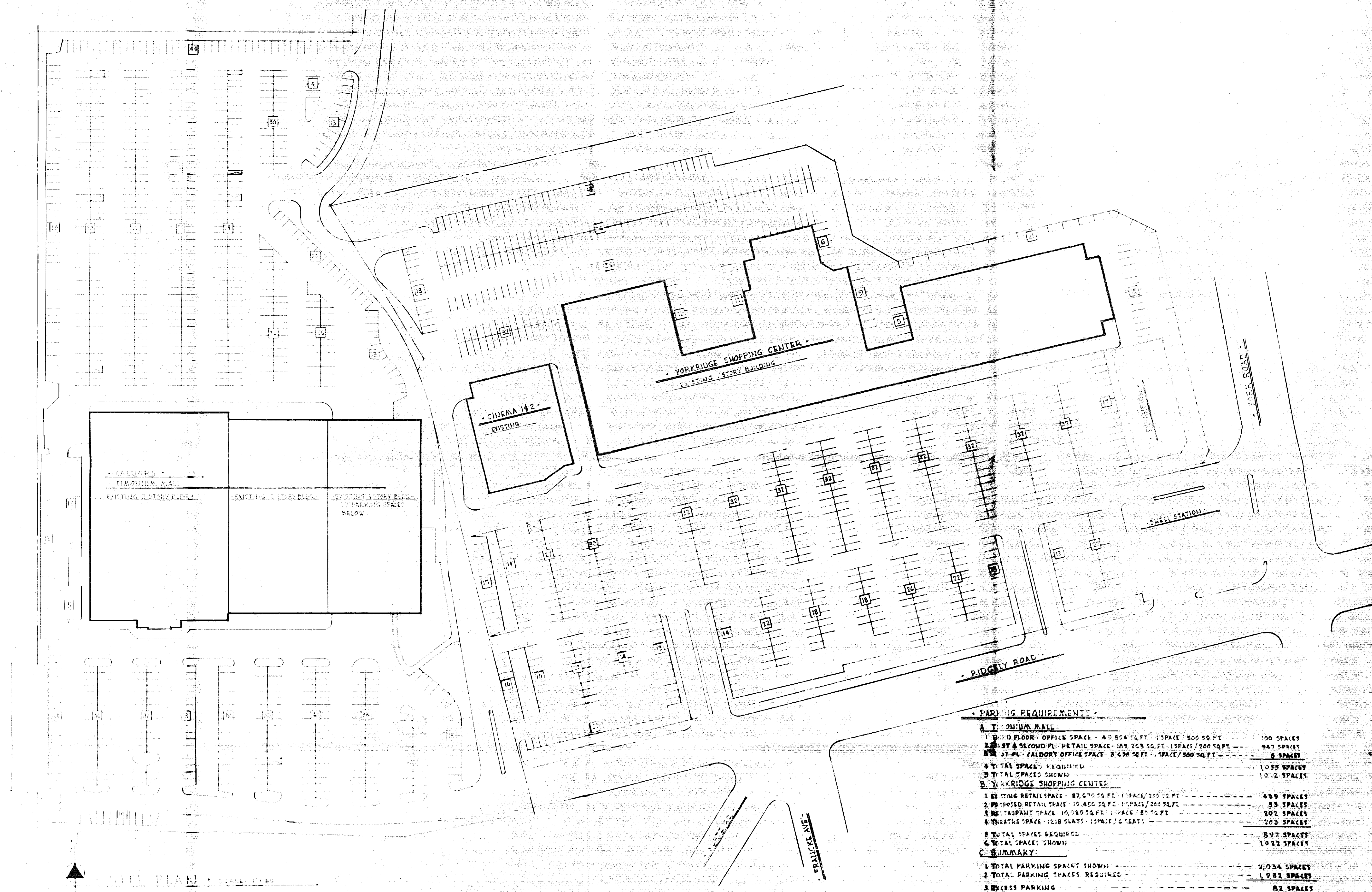


SHEET 1 OF 2









#### PARKING REQUIREMENTS

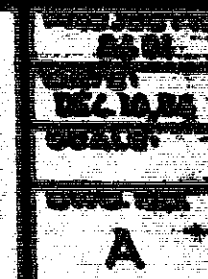
<b>A. TOWNHALL MALL</b>			
1. 1ST FLOOR - OFFICE SPACE - 4,804 SQ. FT. - 1 SPACE/500 SQ. FT.	100 SPACES		
2. 2ND & 3RD FL. - RETAIL SPACE - 189,243 SQ. FT. - 1 SPACE/200 SQ. FT.	947 SPACES		
3. 1ST FL. - CALDOR'S OFFICE SPACE - 3,638 SQ. FT. - 1 SPACE/500 SQ. FT.	8 SPACES		
4. TOTAL SPACES REQUIRED	1,055 SPACES		
5. TOTAL SPACES SHOWN	1,012 SPACES		
<b>B. YORKRIDGE SHOPPING CENTER</b>			
1. EXISTING RETAIL SPACE - 87,670 SQ. FT. - 1 SPACE/200 SQ. FT.	438 SPACES		
2. PROPOSED RETAIL SPACE - 10,450 SQ. FT. - 1 SPACE/200 SQ. FT.	53 SPACES		
3. RESTAURANT SPACE - 10,080 SQ. FT. - 1 SPACE/50 SQ. FT.	202 SPACES		
4. THEATRE SPACE - 1218 SEATS - 1 SPACE/2 SEATS	203 SPACES		
5. TOTAL SPACES REQUIRED	897 SPACES		
6. TOTAL SPACES SHOWN	1,012 SPACES		
<b>C. SUMMARY</b>			
1. TOTAL PARKING SPACES SHOWN	2,024 SPACES		
2. TOTAL PARKING SPACES REQUIRED	1,962 SPACES		
3. EXCESS PARKING	62 SPACES		

EDWARD QUIGLEY ROGERS  
ARCHITECT  
P.O. BOX 246  
GIBSON ISLAND MARYLAND 20556



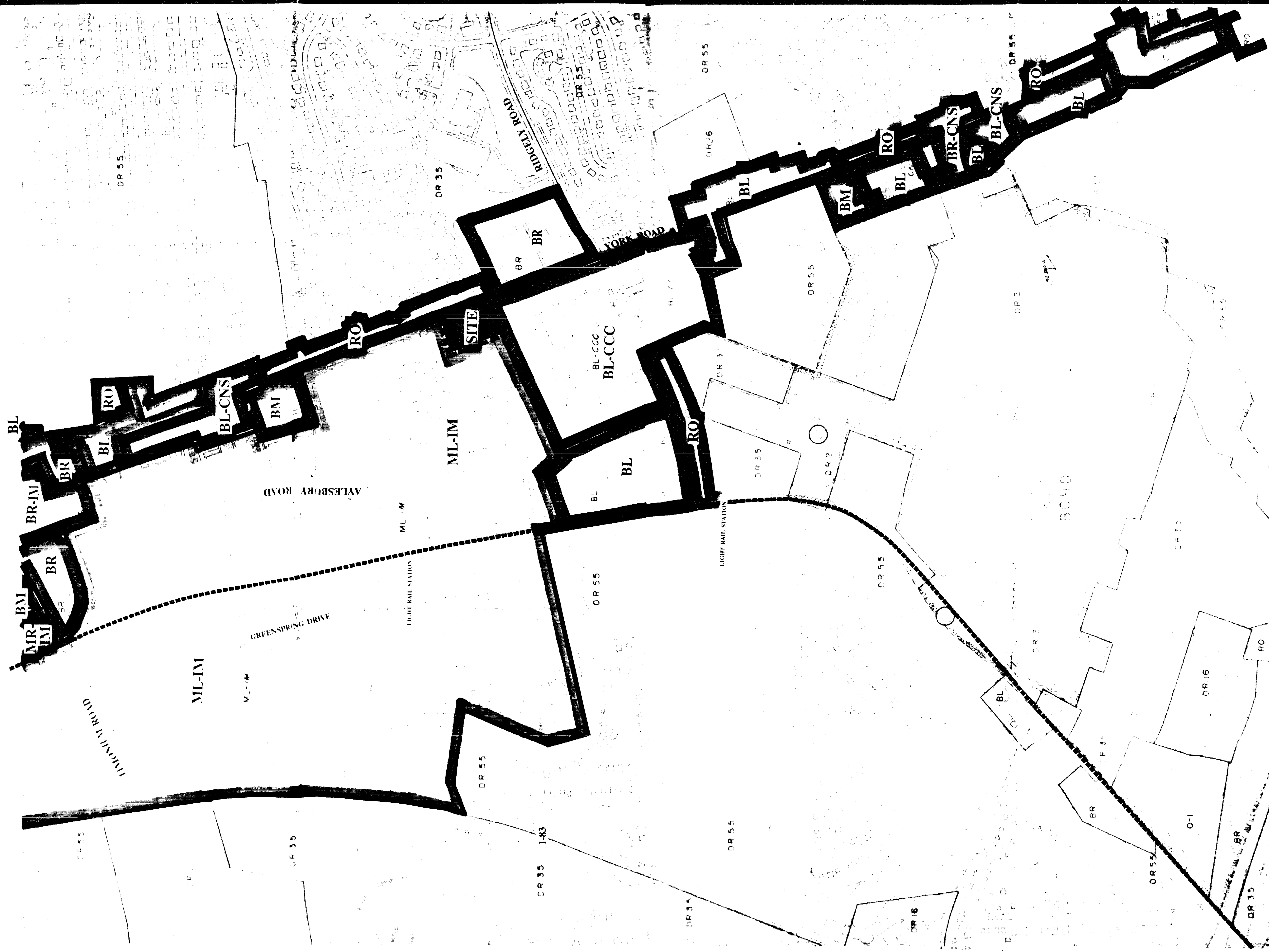
REV.	DATE	ITEM

TOWNHALL MALL  
&  
YORKRIDGE SHOP. CTR.





Adopted by the Baltimore County Council  
Oct. 15, 1992  
H. RES. 203-92, 104-92, 105-92, 107-92, 109-92, 110-92  
*William J. Howard IV*  
Chairman, County Council

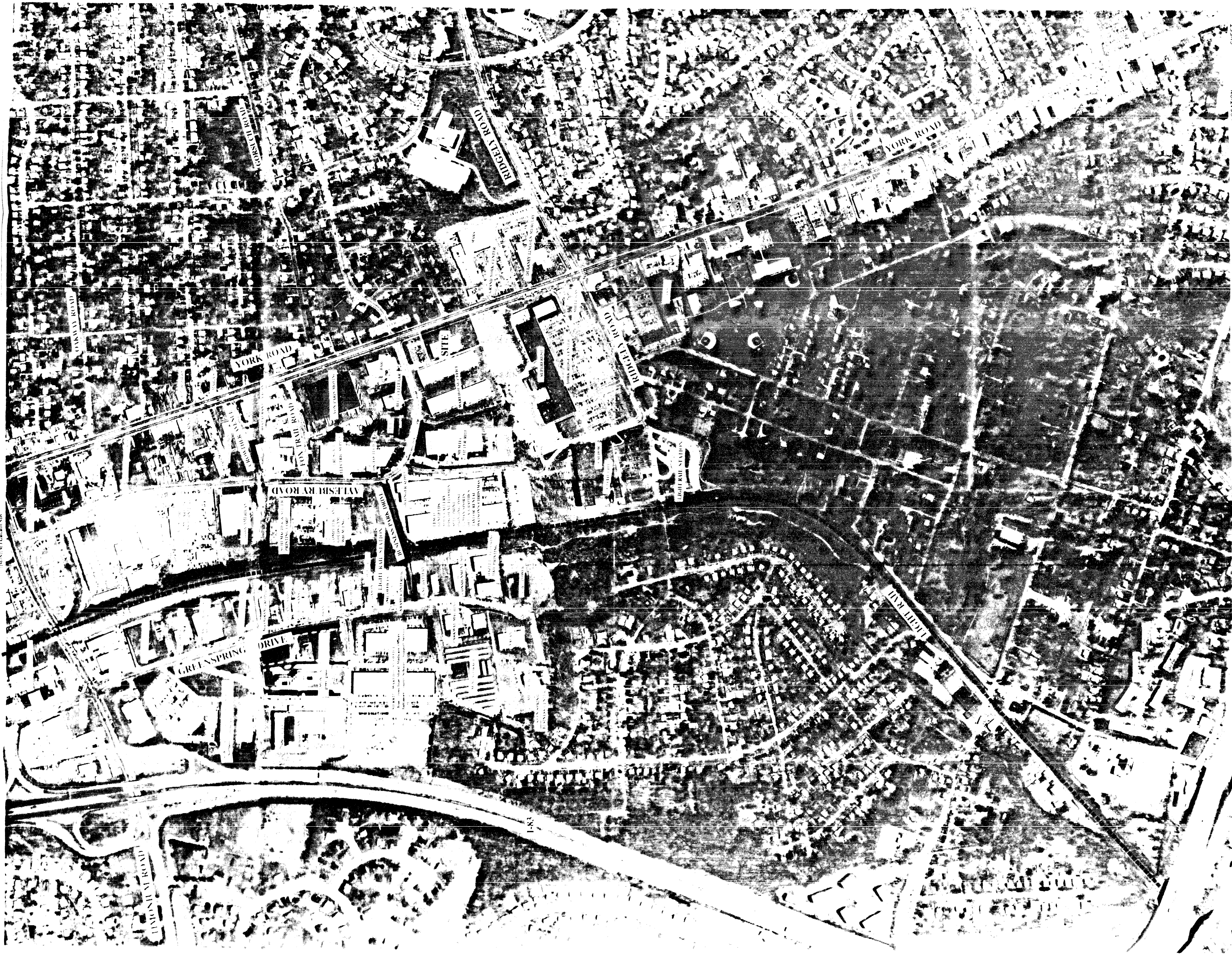


1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Edith H. Howard IV  
Chairman, County Council



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

DATE OF PHOTOGRAPHY  
JANUARY 1986  
TIMONIUM  
NW  
3-4



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

DATE OF PHOTOGRAPHY  
JANUARY 1986  
TIMONIUM  
NW  
3-4





P-SW  
P-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART HORN, INC. BALTIMORE, MD. 21210

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

See Nos. 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02, 110-02

*William A. Howard*  
Chairman, County Council

SCALE  
1" = 200'

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

TIMONIUM

SHEET

N.W.

13-A

MICROFILMED



of Appeals.  
6 -Aerial Map with site in yellow.  
7 -Zoning Map with color boundaries  
8A-8V - Zoning Map locating site of  
twenty-two photographs.

People's Counsel's Exhibits No. 1 -Zoning Reclass Petitions  
Cycle I, 1993.  
2 -Copy of Master Plan  
(Central Sector).  
3 -Memorandum from Weber to  
Zimmerman (9/30/93).

Record of Proceedings filed in the Circuit  
Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered  
which said Board acted are hereby forwarded to the Court,  
together with exhibits entered into evidence before the Board.

Respectfully submitted,

*Charlotte E. Radcliffe*  
Legal Secretary  
County Board of Appeals of Baltimore  
County, Room 49, Basement - Old Courthouse  
400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

Robert A. Hoffman, Esquire  
Edward S. Jann, General Partner  
York-Ridgely Joint Venture  
People's Counsel for Baltimore County

IN THE MATTER OF  
THE APPLICATION OF  
YORK-RIDGELY JOINT VENTURE  
FOR A ZONING RECLASSIFICATION  
FROM M.L.-I.M. TO B.L. ON PROPERTY  
LOCATED ON THE SWC YORK AND  
AYLESBURY ROADS (#1830 YORK ROAD)  
8TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. R-93-306

RULING ON PETITIONER'S MOTION FOR RECONSIDERATION

Upon consideration of the Motion for Reconsideration, Response  
thereto, argument of Counsel and their Memoranda, we shall deny the  
Motion.

This record is devoid of any evidence to show that, at the  
time of the comprehensive zoning of the subject property, the  
Council failed to take into account any facts or circumstances then  
existing relevant to the subject property and its environs. We  
cannot determine that its assumptions and premises in determining  
the appropriate classification for the subject property were  
erroneous. There was evidence of events occurring, subsequent to  
the time of the comprehensive rezoning, which would show that since  
the time of the comprehensive rezoning other zoning might be more  
appropriate. Under all of the circumstances in this case, the  
presumption of validity accorded to the comprehensive rezoning was  
not overcome and the standard of "error" or "mistake" in the  
comprehensive zoning of the subject property was not met. This  
case strongly resembles the case of *Boyce v. Sembly*, 25 Md. App.  
43, and is controlled by the legal principles stated in that  
opinion.

Case No. R-93-306 /York-Ridgely Joint Venture  
Motion for Reconsideration

2

We stand by our original determination that Section 26-356(j)  
controls the grounds upon which we have authority to grant or deny  
this reclassification petition. Accordingly, the Motion for  
Reconsideration is DENIED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Harry E. Buchheister, Jr.*  
C. William Clark

*Harry E. Buchheister, Jr.*  
Harry E. Buchheister, Jr.

DATE: December 8, 1993

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

December 8, 1993

Robert A. Hoffman, Esquire  
VENABLE, BAETJER & HOWARD  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, MD 21285-5517

RE: Case No. R-93-309  
York-Ridgely Joint Venture  
Motion for Reconsideration

Dear Mr. Hoffman:

Enclosed is a copy of the Ruling on Petitioner's Motion for  
Reconsideration issued this date by the County Board of Appeals in  
the subject matter.

Very truly yours,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Peter Max Zimmerman  
People's Counsel for Baltimore County

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

93 NOV 29 PM 1:04

PETITION OF YORK-RIDGELY  
JOINT VENTURE  
3120 Executive Drive  
Baltimore, MD 21228-1789

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE COUNTY BOARD  
OF APPEALS OF BALTIMORE COUNTY  
400 Washington Avenue  
Towson, MD 21204

IN THE CASE OF IN THE MATTER  
OF THE APPLICATION OF  
YORK-RIDGELY JOINT VENTURE  
FOR A ZONING RECLASSIFICATION  
FROM M.L.-I.M. TO B.L. ON  
PROPERTY LOCATED ON THE SWC  
OF YORK AND AYLESBURY ROADS  
(1830 YORK ROAD)

Case No. R-93-306

PETITION FOR JUDICIAL REVIEW

York-Ridgely Joint Venture, by its attorney, Robert A. Hoffman,  
with Venable, Baetjer and Howard, hereby requests judicial review by  
the Circuit Court for Baltimore County in accordance with Maryland  
Rule 7-202 from the Order of the County Board of Appeals of Baltimore  
County, dated October 29, 1993, in the above-referenced case. York-  
Ridgely Joint Venture, landowner and the petitioner in the subject  
reclassification request, was a party to the agency proceedings  
below

*Robert A. Hoffman*  
ROBERT A. HOFFMAN

Venable, Baetjer and Howard  
210 Allegheny Avenue  
P. O. Box 5517  
Towson, Maryland 21204  
(410) 494-6200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of November, 1993, a copy  
of the foregoing Petition for Judicial Review was served, in  
accordance with Maryland Rule 7-202, upon the County Board of Appeals  
prior to filing of said with the Circuit Court for Baltimore County.  
On this same day, a copy of said Petition was mailed postage pre-  
paid to:

Peter Max Zimmerman, Esquire  
People's Counsel  
Old Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

*Robert A. Hoffman*  
Robert A. Hoffman

PET70104.GPW

IN THE MATTER OF  
THE APPLICATION OF  
YORK-RIDGELY JOINT VENTURE  
FOR A ZONING RECLASSIFICATION  
FROM M.L.-I.M. TO B.L. ON PROPERTY  
LOCATED ON THE SWC YORK AND  
AYLESBURY ROADS (#1830 YORK ROAD)  
8TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. R-93-306

People's Counsel's Answer to  
Motion for Reconsideration

I. The Short Answer: BG&E and Claridge Towers

This case is controlled by the principles stated in the  
*Baltimore Gas & Electric Co.*, R-86-344, upon remarkably similar  
facts. However desirable, appealing and progressive from a  
planning and marketing point of view, new conditions and strategy  
for commercial use do not justify a reclassification where the  
County Council has provided and zoned for a reasonable industrial  
use. The County Board of Appeals' opinion is so apt that we've  
attached it as Exhibit A.

Moreover, at the Circuit Court, in Case No. 87-18, Judge  
Joseph Murphy not only echoed the Board of Appeals majority in  
*Baltimore Gas & Electric Co.*, but stated that if the  
reclassification had been granted he would have had to reverse  
(Exhibit B). Judge Murphy also considered the absence of a  
previous request to the County Council for rezoning as a factor  
weighing against the claim of mistake.

Subsequently, in the *Claridge Towers* case, the County Board of  
Appeals did grant a rezoning for a more desirable and economically  
productive market use for offices upon new conditions (Exhibit C),  
only to be reversed by Judge Leonard Jacobson in Case No. 91-CV-

Case No. R-93-303 York-Ridgely Joint Venture

4798 (Exhibit D). As he put it, a "more appropriate" use does not  
translate to error. A change in economics, marketing, or strategy  
does not translate to a substantial change in the character of an  
entire neighborhood.

II. Statement of the Case and Facts

The law of comprehensive zoning reserves to the elected  
representatives the right to make important judgments about land  
use in Baltimore County in a legislative process which occurs every  
four years. The interim administrative process is intended only  
for those cases where strong evidence of error exists, or where  
substantial change in the neighborhood occurs, and where a  
different classification is warranted. The County Board of Appeals  
may not substitute its thinking for the County Council's, and is  
not at liberty to select or approve such zoning as it may believe  
more desirable. The exercise of such a philosophy would degrade,  
and perhaps destroy, the legislative action.

In this case, the Board has properly resisted the temptation  
to alter the comprehensive zoning. The Petitioner claimed that its  
proposed Business-Major zoning at the southwest corner of York Road  
and Aylesbury Road, at the access point to an industrial area with  
light and quasi-industrial (showroom) uses, would encourage more  
flexible and desirable development. But there was no dispute:

- 1) That the property is developable and has been used  
within the existing industrial zoning;
- 2) That it is even now a part of a larger 10-acre parcel



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: P. David Fields, Director  
Office of Planning & Zoning  
Attention: Jeffrey Long  
Date: July 15, 1993  
FROM: William T. Hackett, Chairman  
Board of Appeals  
SUBJECT: Amended (Documented) Site Plan  
Case No. R-93-306, York-Ridgely Joint Venture

Enclosed are the appropriate sections of the Baltimore County Zoning Regulations and the Amended and Documented Site Plan submitted to the County Board of Appeals. This amended plan is being submitted to you for processing with the Baltimore County Planning Board.

In this memorandum, we are also forwarding ten copies of the Amended Petition and Documented Site Plan to the Zoning Office.

*William T. Hackett*  
William T. Hackett

Attachment: Copy of Amended Petition and Documented Site Plan)

cc: P. David Fields, Director  
William T. Hackett, Chairman  
Board of Appeals  
Documented Site Plan

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board  
DATE: July 15, 1993  
FROM: P. David Fields, Director  
Office of Planning & Zoning  
SUBJECT: AMENDED (DOCUMENTED) SITE PLAN/CASE NO. 93-306/  
YORK-RIDGELY JOINT VENTURE

This Petition for reclassification was submitted initially as an open site plan as part of Cycle I, Item 4. Following a preliminary review of the information provided and a site visit, staff met with the applicant's attorney, Mr. Robert Hoffman, and suggested that a documented site plan be filed. On April 15, 1993, a letter was sent to Mr. Hoffman which indicated that a business use of the subject property may be appropriate dependant upon the following: acceptable utilization of the site, retention of existing landscaping and the existing building footprint (with some possible architectural refinement).

As no documented site plan was available prior to submission of planning staff's May 31, 1993 report to the Board, we recommend retention of the existing zoning.

On July 1, 1993, the Ad Hoc Committee on Development Plans and Issues sequestered the subject Petition. Discussion regarding this request focused on the above mentioned concerns expressed by staff and the additional issue regarding access to York Road.

A documented site plan was filed with the Baltimore County Board of Appeals on July 15, 1993 pursuant to Section 2-356.(m) of the Baltimore County Code. Based upon the analysis of this plan, staff offers the attached revised recommendation.

*P. David Fields*  
P. David Fields  
Director

PDF:JL:lw  
Attachment

DFAMD93.306/TXLLF

CASE NO. R-93-306 CYCLE I, ITEM 4

PETITIONER:  
York-Ridgely Joint Venture

REQUESTED ACTION:  
Reclassification to B.L. or B.M. (Business Local, Business Major)

EXISTING ZONING:  
M.L.-I.M.

LOCATION:  
Southwest corner of the intersection of York and Aylesbury Roads (1830 York Road)

AREA OF SITE:  
1.45 acres ±

ZONING OF ADJACENT PROPERTY/USE:  
North: M.L.-I.M./Office-warehouse  
East: R.O./Residential office  
South: B.L.-C.C.C./Vacant  
West: M.L.-I.M./Office-warehouse

SITE DESCRIPTION:  
The site is part of a larger developed parcel containing two flex office-warehouse buildings. An older 20,000 square foot building attached to one of the flex buildings and its associated parking are the subject of the zoning reclassification request.

PROPERTIES IN THE VICINITY:  
The site is located within the Kilmarnock Industrial Park. To the north and west are office/warehouse/industrial uses. To the south are a vacant parcel and the Yorkridge shopping center. To the east, opposite York Road are attractive class A residential offices.

WATER AND SEWERAGE:  
The area is served by public water and sewer, and is designated a W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

York-Ridgely Joint Venture  
Case No. R-93-306, Cycle I, Item 4

TRAFFIC AND ROADS:

The site fronts on York Road. It is part of a larger development which is accessed from Aylesbury Road.

ZONING HISTORY:

1980 Comprehensive Zoning Map Process: Issue No. 3-172 - M.R.-I.M. existing. Rezoned to M.L.-I.M.  
1976 Comprehensive Zoning Map Process: Issue No. 3-113 - M.R.-I.M. existing. Request denied.

MASTER PLAN/COMMUNITY PLANS:

The Master Plan calls for a comprehensive land use study of the Hunt Valley/Timonium corridor which would examine, among other things, measures for promoting economic growth while utilizing the County's investment in infrastructure. The Hunt Valley/Timonium Redevelopment Study does not include the subject site as one of the areas identified with the greatest potential for mixed use development/ redevelopment. The plan does not support additional commercial zoning along York Road. Instead, it recommends that retail development, which generates the highest amount of traffic of any land use type, should be concentrated at business nodes, such as at the Ridgely Road intersection, rather than sprawled along the length of York Road. This will minimize curb cuts and turning movements.

PROPOSED VS. EXISTING ZONING:

The regulations for the B.L. and B.M. zones may be found in the Baltimore County Zoning Regulations in Sections 230 and 233, respectively. Regulations governing the M.L. zone may be found in Section 253 of the B.C.Z.R. The I.M. district regulations are found in Section 259.2E.

The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district. However, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception.

York-Ridgely Joint Venture  
Case No. R-93-306, Cycle I, Item 4

The B.L. zone allows a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property. Density is regulated by a floor area ratio of 3.0. However, density is generally limited by parking requirements and economic constraints.

The B.M. zone permits a wide range of uses in addition to those permitted in the B.L. zone. Density is regulated by a floor area ratio of 4.0. Density is realistically limited by parking requirements, as well as economic and environmental constraints.

DOCUMENTED SITE PLAN

The documented site plan generally reflects existing conditions. Architectural details and elevation drawings indicate an exterior refinement of the present building. A metal, tile or shingle pitched roof would replace the existing flat roof. The building face would be treated with masonry, stucco or stucco and painted in a color compatible with other masonry buildings in the immediate vicinity.

The documented site plan also shows a conceptual sign detail and a note indicates that all signage would comply with section 413 of the Baltimore County Zoning Regulations.

Outstanding issues raised by staff and concerns discussed at the Ad Hoc Committee on Development Plans and Issues meeting of July 1, 1993. The plan indicates no direct access would be provided to York Road and the existing landscape treatment and building footprint would be retained.

The plan also indicates the need for a Variance to Section 409.4 which would permit vehicular parking on travelways of an arterial street parking facility.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the submission of the documented site plan which addresses previous concerns raised by staff, this office recommends that the applicant's site be rezoned to the B.M. classification as conditioned by the documented site plan.

ADJUDICATE CYCLE

YORK-RIDGELY JOINT VENTURE  
1830 YORK ROAD  
R-93-306  
326

Zoning Comments  
Revised Petition Filing  
Plan Date: 7/9/93  
ZACW Received Plans: 7/15/93  
Comments Date: 7/16/93

1. The provided 1" = 1,000' scale zoning map copy is lacking the site outline.
2. A \$250.00 variance fee and a \$35.00 sign posting fee must accompany this filing, along with a \$100.00 revision fee.
3. Clarify the area for which the variance is being requested. If on-site (within the described reclassification area only), the request is appropriate. However, if it is also intended to include the additional 71 parking spaces, additional revisions to plans and descriptions to include this area will be necessary. Be aware that before these 71 spaces can be utilized, they must conform to Section 409 (BCZR) or zoning variances are required.
4. A. Confirm that the 71 parking spaces noted for additional parking are not being utilized elsewhere and are available as excess. This will require complete parking/use area calculations on the plan.  
B. Several of the proposed uses may exceed the proposed parking requirement. Note that should this occur, a zoning variance is required to permit any parking deficiency.
5. The note referencing that no subdivision or lease lines are proposed conflicts with the zero foot rear yard setback shown on the plan. Correct this condition. Note that should any subdivision or lease lines be created, zoning variance public hearings may be required prior to any approvals.
6. The conceptual sign detail on the plan does not provide enough detail in order to determine compliance with the Baltimore County Zoning Regulations.

*John C. Lewis*  
JOHN C. LEWIS  
Plumber II

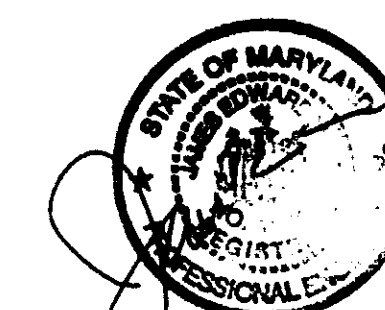
JLL:scj

ENCLOSURE

ENVIRONMENTAL IMPACT STATEMENT  
TO ACCOMPANY PETITION FOR ZONING  
RECLASSIFICATION PETITION

1830 YORK ROAD

Prepared By: George W. Stephens, Jr.  
and Associates Inc.  
658 Kenilworth Avenue  
Towson, Maryland 21204  
410-825-8120



INTRODUCTION

The Baltimore County Zoning Regulations require an Environmental Impact Statement to accompany any petition for zoning reclassification. The evaluation criteria used in preparing the Environmental Impact Statement is defined in the Special Provisions (page 1-13) of the zoning regulations. This report attempts to address all the criteria listed therein.

SITE DESCRIPTION

The 1.45 acre site is located on the west side of York Road, State Route 45, just south of Aylesbury Road in Timonium. The site is presently improved with a single story 20,000 square foot +/- masonry building with a 100 space surface parking lot. The existing building is presently utilized as a office/warehouse. Public water and sanitary sewer serve the site and are of adequate capacity to handle both the existing and intended uses. Access to the site is via Aylesbury Road with a potential for additional access through the property to the south (see site plan). No direct access to York Road from this site is proposed.

The property is currently zoned ML-IM, manufacturing light. The existing use and improvements are consistent with that zone.

No new site improvements are proposed in conjunction with this petition for reclassification of this property to a BL or BM zone saving minor structural improvements to the existing building and some remodeling work to the facade and roofline and to allow for a loading area at the southwest corner of the building. The existing parking field contains a sufficient number of spaces to support the mercantile use proposed for the property.

PROBABLE IMPACT TO THE ENVIRONMENT

87% or 1.27 acres of the site is currently covered with building and hardscape. The remaining 0.18 acres is grass or landscape area. No additional impervious areas are planned which would result in the increase of surface runoff from the site. All surface runoff is currently conveyed into a closed conduit storm drain system. Water quality control measures although not currently provided are not required for the conversion of the site from its current use to the proposed use. The owner does however intend to comply, to the extent possible, with Best Management Practices as outlined by the Baltimore County Department of Environmental Protection and Resource Management, which include restrictions on the use of de-icing compounds during winter storms.

The site is not located within a 100 year floodplain nor is it within a watershed draining directly into any reservoir or tidal water. There are no perennial or intermittent streams, wells or septic disposal systems within 100 feet of the property.



plans used industrially:

3) That there was no request for an alteration in zoning in the 1992 legislative process;

4) That the area is well-known to the County Council, which in 1990 reviewed it as part of the Central Sector of the Master Plan (1989-2000) and suggested a Hunt Valley-Timonium Plan calling for a mix of land uses;

5) That the zoning request submitted presents a site plan, but with a flexible array of potential retail uses in the B.M. and B.L. categories.

The circumstances and history of Baltimore Gas & Electric Co. are virtually identical. There had been an existing utility use at the Gateway to Owings Mills Town Center; there had been no request for comprehensive rezoning; there was a comparable Owings Mills Plan for mixed use; and although there was no documented site plan, the case was treated as if it would be well-planned.

Those are the classic cases of property owners who discover (shortly after completion of the legislative process) some attractive new zoning. Here, it is a development company's determination that the property is no longer needed for its historic industrial use that prompts a review.

M.I.E. simply wants to attain a "higher" use, more flexibly and somewhat more profitably with business major zoning on this corner. Moreover, the company wants the new zoning immediately. As a justification, the lapse of time in which Petitioner

overlooked the zoning question in 1992 turns into an argument that the County Council erred. The Board of Appeals has properly rejected this upside down reasoning.

The record as a whole demonstrates that Petitioner's witnesses concentrated on the desirability of the request, with little actual reference to any legislative error committed in 1992. Moreover, following the termination of the Comcast lease, there was no genuine effort to market the property for M.L. use, which witnesses admitted could be done at a lower price. Against this, it is undisputed that there is adequate commercial zoning and use in the area. Moreover, even the Planning Office, which favors the site plan, acknowledged the thoroughness of the 1992 comprehensive process; the presence of specific issues in the immediate neighborhood; and their opposition to the request when originally submitted without a site plan.

At the conclusion of the case, counsel argued the case thoroughly on each side. The County Board of Appeals' decision was correct to deny the rezoning.

### III. Relevant Statutes

The Comprehensive Zoning Process, in which the County Council has opportunity to review reports and recommendations and hear testimony following consideration by the Baltimore County Planning Board, is established, and the process is outlined, in Sections 26-122 through 26-125 of the Baltimore County Code.

The process in Baltimore County is cyclical and occurs every

MICROFILMED

four years. It gives the legislature a unique opportunity to consider and appraise information on a relatively frequent basis so that comprehensive zoning in the county is tremendously dynamic. Its judicial approbation will be discussed below.

The administrative, or piecemeal, rezoning process, on the other hand, is set forth separately in Section 2-356 of the Code.

This includes, in Subsection (j), the "change/mistake" rule which has been a hallmark of Maryland zoning for some time. In addition, importantly, the law requires that any finding of error in the existing zoning and any finding that the prospective reclassification is warranted, must be accomplished by explicit consideration of the elements of zoning, such as population, public facilities, compatibility with the character of the neighborhood, and consistency with the Master Plan.

### IV. The "Change/Mistake" Rule in the Courts

In Coppolino v. County Board of Appeals of Baltimore County, 23 Md. App. 358 (1974), Judge Rita Davidson restated the applicable scope of judicial review:

"...Where a legislative body, or a board of county officials, pursuant to authority conferred upon it, has granted a rezoning of property, the question on judicial review is whether or not such action is arbitrary and discriminatory or fairly debatable, Montgomery County v. Pleasants, 266 Md. 462 (1972); Himmelheber v. Charnock, 258 Md. 636 (1970); Chevy Chase Village v. Mont. Co., 258 Md. 27 (1970); Smith v. Co. Comm'rs of Howard Co., 252 Md. 280 (1969). We shall follow that test in considering this appeal.

MICROFILMED

"While, in recent years, we have had occasion to enunciate a number of important principles applicable to the law of zoning, perhaps none is more rudimentary than the strong presumption of the correctness of original zoning and of comprehensive rezoning. To sustain a piecemeal change in circumstances such as those present here, strong evidence of mistake in the original zoning or comprehensive rezoning or evidence of substantial change in the character of the neighborhood must be produced, Rockville v. Henley, 268 Md. 469 (1973); Heller v. Prince George's Co., 264 Md. 410, 412 (1972); Creswell v. Baltimore Aviation, 257 Md. 712, 721 (1970). Since, as we have also said, this burden is onerous, Cabin John Ltd. v. Montgomery Co., 259 Md. 661 (1970); Creswell v. Baltimore Aviation, supra; Wells v. Pierpont, 253 Md. 554 (1969), the task confronting appellants [appellees], whose application followed the comprehensive rezoning by merely four months, is manifestly a difficult one." (emphasis in original). 23 Md. App. at 367, citing Siratakis v. Beauchamp, 268 Md. 643, 652-53 (1973).

Moreover, in meeting a challenge to the application of the "change/mistake" rule to the Baltimore County process, Judge Davidson said:

"We see nothing in the 'cyclical' zoning scheme adopted by the Council which impels a modification of this rule. The fact that comprehensive rezoning may occur in Baltimore County with greater frequency than has been the case in the past does not alter the fact that it will result from careful study of changes occurring in wide areas and an assessment of future public needs and purposes. Indeed, in our view, the system will enhance the stability and permanence of zoning classifications by assuring that the majority of zoning classifications are determined in accordance with a carefully considered integrated plan of development, based upon a full understanding of the present

and future needs of a broad area, rather than upon a piecemeal review of limited scope." 23 Md. App. at 369-70.

### V. Argument

THE LEGISLATIVE ZONING IS REASONABLE AND FAIRLY DEBATABLE; THERE IS NO ERROR; THE EXISTING ZONING PROVIDES FOR A REASONABLE USE.

The Court of Special Appeals has outlined three approaches which an applicant may take to sustain his petition. Since it is presumed "that at the time of the adoption of the map the Council had before it and did, in fact, consider all of the relevant facts and circumstances then existing," (Boyce, supra, 25 Md. at 51, 52), the applicant must show:

1. That specific physical facts were not readily visible or discernable at the time of the comprehensive zoning;
2. That such existing facts were not taken in account;
3. Or, ...that the Council failed to make any provision to accommodate any project, trend, or need which it, itself, recognized as existing at the time of the comprehensive zoning." Ibid.

The focus, in this context, is on the alleged desirability and potential for development of the property in the requesting zoning. There is no genuine dispute that the Council was familiar with the neighborhood.

The courts have addressed analogous suggestions of preferred zoning classifications many times. In Daihl v. County Board of Appeals of Baltimore County, 258 Md. 157 (1970), the applicants sought rezoning from residential to industrial. They presented

evidence that this would "have made a more logical buffer zone than the boundary adopted." 258 Md. 164. Nevertheless, this did not amount to legally sufficient proof of mistake. As the Court put it,

"Hindsight might dictate that Riderwood-Lutherville Drive may have been a better choice for the boundary between M-L zone and the residential zone; however, this desirability falls far short of substantiating its adoption as error." 258 Md., at 164.

Analogously, in a case involving the division between residential and commercial zoning, the Court said,

"Zoning inevitably involves the drawing of lines, ...and the Council was not bound to extend a commercial classification beyond the lot where it elected to stop." Montgomery County v. Pleasants, 266 Md. 462, 467 (1972).

It is not unusual for property owners in neighborhoods with a mixture of uses to request rezoning to upgrade or increase the profitability of their properties. It is also common for property owners to look to new uses, rezonings, and highway improvements as evidence of change in the character of the neighborhood and, concomitantly, mistake. But the Court of Appeals of Maryland has addressed such situations for many years and rejected similar claims of mistake or change as insufficient to overcome the reasonable exercise of legislative judgment. In Baltimore County alone, the high court reversed commercial rezonings granted by the County Board of Appeals in Wells v. Pierpont, 253 Md. 554 (1960); Westview Park Improvement and Civic Assn. v. Hayes, 256 Md. 575

MICROFILMED

(1970); and Miller v. Abrahams, 257 Md. 126 (1970). In a Prince George's County case involving another request for commercial zoning in a mixed neighborhood, the court stated in Messenger v. Board of County Commissioners, 259 Md. 693 (1970):

The drawing of the line between zones is a function of the legislative body and the fact that the legislative body has rezoned an adjoining or nearby property does not require it to rezone the property under consideration. See Board of County Commissioners for Prince George's County v. Farr, 242 Md. 315, 218 A.2d 923 (1966). In Farr, Judge Oppenheimer, for the Court, stated:

"In County Council for Montgomery County v. Gendleman, 227 Md. 491, 498, 177 A.2d 687, 690 (1962), Chief Judge Brune, for the Court, stated the principle which we find to be applicable to the present case, as follows: 'Even if there were facts which would have justified the Council in rezoning the property, this would not of itself prove the denial of rezoning illegal. There is still the area of debatability, and one who attacks the refusal of rezoning must meet the heavy burden of proving that the action of the legislative body in refusing it was arbitrary, capricious or illegal.' Chief Judge Brune said, further: 'Zoning and rezoning do require the drawing of lines, and the legislative body may draw them subject to the same limitations as are applicable to other phases of the zoning process.' It was held in that case that, on the record before the council, its action in refusing to rezone the property involved was not beyond the field in which its action was fairly debatable. The Council was not bound to extend that classification [commercial-office use] beyond the lot at which it had elected to stop." 271 A.2d at 171-72.

More recently, the Court of Special Appeals, in an often cited opinion by Judge Rita Davidson, rejected an administrative commercial rezoning in Lutherville, just north of the beltway. Boyce v. Sembly, 25 Md. App. 43 (1975).

MICROFILMED

### VI. There Has Been No Change in the Character of the Neighborhood

A lease termination is not a change in the character of the neighborhood. In this context, it is also critical to keep in mind that development of uses along the lines contemplated in the comprehensive zoning, as well as associated population growth and improvements, do not constitute substantial changes in the character of the neighborhood. Prince George's County v. Prestwick, 263 Md. 217, 226 (1971); Helfrich v. Mongelli, 248 Md. 498, 505 (1968). More recently, the Court of Appeals rejected more serious suggestions of change, based on highway improvements and rezonings, because these did not logically result in any substantial change in the character of the area and were well-known to the County Council. Cardon Investments v. Town of New Market, 302 Md. 77, 90-92 (1984). In sum, zoning controls private enterprise; the desires of private enterprise do not dictate zoning.

The County Board of Appeals also noted that Section 2-356(k) precludes approval upon the basis of substantial change in neighborhood character within one year of enactment of the map. Because the case was tried October 5, 1993, within one year of the October 15, 1992 enactment, this does apply. But it is academic. There is nothing resembling a change in character. A lease termination and a new market approach do not qualify. If the County Board of Appeals implied that there might be elements of a



character of neighborhood character, this should be corrected.

VII. Conclusion

In the present case, it was well within the prerogative of the Board of Appeals to determine the mix of commercial and industrial uses in the York-Aylesbury corridor involving an historically industrial area. This is a classic issue of judgment. Indeed, it would have been arbitrary for the Board of Appeals to have reversed the decision of the Council. Such a displacement would undo comprehensive zoning and lead eventually to its demise.

Had the County Board of Appeals opinion merely puts, in a different way, the same point made in Baltimore Gas & Electric Co., Chapman, Boyle, and the numerous appellate court decisions. The subsequent recognition by the developer and/or the Planning Office of a more desirable alternative does not suddenly transform a reasonable legislative judgment into a mistake. Comprehensive zoning laws does not tolerate Monday Morning Quarterbacking.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
People's Counsel for Baltimore County

*Charles S. Demilio*  
Charles S. Demilio  
Deputy People's Counsel for Baltimore County  
Room 47, Old Courthouse  
400 Washington Ave., Towson, MD 21204  
410 557-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12 day of November, 1993, a copy of the foregoing Answer to Motion for Reconsideration was mailed to:

Robert A. Hoffman, Esquire  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, MD 21204

*Peter Max Zimmerman*  
Peter Max Zimmerman

MICROFILMED

IN THE MATTER OF  
THE APPLICATION OF  
YORK-RIDGELY JOINT VENTURE  
FOR A ZONING RECLASSIFICATION  
FROM M.L.-I.M. TO B.L. ON  
PROPERTY LOCATED ON THE SWC  
OF YORK AND AYLESBURY ROADS  
(1830 YORK ROAD)  
8TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD  
\* OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. R-93-306

FILED  
COUNTY CLERK  
59 NOV 14 PM 2:50

MOTION FOR RECONSIDERATION

York-Ridgely Joint Venture ("Petitioner"), by its attorney, Robert A. Hoffman of Venable, Baetjer and Howard, hereby moves the Board of Appeals, in accordance with Rule 10 of its Rules of Practice and Procedure, to reconsider the Opinion and Order issued in the above-captioned case. The grounds for this motion are set forth below, as follows:

I. THE BOARD OF APPEALS OPINION AND ORDER UNEQUIVOCALLY SUSTAINS A FINDING OF "ERROR" UNDER MARYLAND LAW.

In its Opinion and Order, the Board acknowledged that the Petitioner showed that, due to changes in the characteristics of the area, the present M.L.-I.M. zoning is in error. See Board of Appeals' Opinion and Order, at p. 5 ("changes have occurred at the location and vicinity which suggest a present error in the zoning") (attached hereto). However, notwithstanding these substantial changes at the subject location, the Board stated that the "evolution" of these changes did not "constitute[] an error on the part of the County Council at the time of their review and deliberations in the [comprehensive] map zoning process [in 1992]."

The Maryland courts have made it clear, however, that error or mistake may be established by showing that events occurring

Notwithstanding the above-referenced findings as to substantial change, however, the Board found that the restrictions contained in § 2-356(k), regarding when "change" may be the basis for a zoning reclassification, compelled it to deny Petitioner's request. Section 2-356(k) of the Code states that:

"no zoning reclassification of property shall, for a period of one (1) year after a zoning map applicable thereto may by an ordinance of the county council have been adopted, be granted on the ground that the character of the neighborhood has changed. (Emphasis added).

Because this section of the County Code is clear and unambiguous, numerous Maryland cases dictate that it must be construed and given effect in accordance with its plain meaning. See, e.g., State v. Fabritz, 276 Md. 416 (1975).

As the Opinion and Order of the Board in this case is dated October 29, 1993 and whereas the Baltimore County Council officially adopted the 1992 Comprehensive Zoning Maps encompassing the subject property on October 15, 1992, the one-year prescription against rezoning on the basis of change expired on October 15, 1993. See County Council Bill # 185-92 and Baltimore County 200' Scale Zoning Map NW 13-A (attached hereto). Hence, the Board having found substantial change, it is respectfully submitted that the Petitioner's request for rezoning for this property must be granted.

WHEREFORE, for the aforementioned reasons, the Petitioner respectfully requests that the Board of Appeals grant its Motion to

subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect. Bellanca v. County Comm'rs, 86 Md.App. 219, 231 (1991); Boyle v. Sembly, 25 Md.App. 43, 51-52 (1975). In Rockville v. Stone, 271 Md. 655, 662 (1974), the Court of Appeals stated:

On the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize rezoning.

Accordingly, if there are "facts occurring subsequent to a comprehensive zoning [which] were not in existence at th[at] time, and, therefore could not have been considered," they may be considered as evidence in determining whether the Council was in error. Howard County v. Dorsey, 292 Md. 351, 356 (1982) (quoting Boyle v. Sembly, 25 Md.App. 43, 51-52 (1975)). Of course, since such facts were not in existence at the time of the previous comprehensive rezoning and "could not have been considered, there is no necessity [to attempt] "to present evidence that such facts were not taken into account by the Council . . . ." Id.

In the instant case, the Petitioner presented an abundance of testimony relating to facts occurring subsequent to the comprehensive zoning which were not in existence in 1992, and, therefore could not have been considered by the Council. Such facts submitted by the Petitioner and accepted by the Board in its Opinion included, among others, the findings and recommendations of the Baltimore County Planning Staff and Planning Board contained in the Hunt Valley/Timonium Redevelopment Study, the submission by the Petitioner

of a Documented Site Plan for the property which would control the use and manner of "development" for the property, and the numerous changes in the area testified to by the Petitioner's expert witnesses.

Expert land planner, William Kirwin, testified that he believed the M.L.-I.M. zoning classification to be an error at the subject site because it is contiguous to a commercial zone and not an appropriate site for many of the industrial uses permitted in the M.L.-I.M. See Board of Appeals Opinion and Order at p.3. Mr. Kirwin also testified to the need for more commercial uses in the area and how the emphasis of the new light rail system focused on bringing people to the subject area and not products such as would be used by an industrial facility. See Board of Appeals Opinion and Order at p.4. Another expert witness who testified on behalf of the Petitioner was Charles Mazziotti, an expert in commercial real estate. Mr. Mazziotti testified that he thought the M.L.-I.M. classification was in error due to the total lack of demand in the market for this type of industrial sites. See Board of Appeals Opinion and Order at p.5.

Moreover, because the facts relied upon by the Petitioner were subsequent occurring facts, the evidence relied upon by People's Counsel is that the Petitioner did not request a zoning change for the property during the 1992 Map Process and that the property was in fact occupied by a tenant, should be of little import to the Board. As the legal test for mistake makes clear, changes may occur

subsequent to the comprehensive rezoning of which the County Council and the Petitioner alike did not or could not have known.

Accordingly, because the Petitioner presented strong evidence of error as well as of subsequently occurring facts proving that the Council's assumptions upon which the M.L.-I.M. zoning was predicated in 1992 to be erroneous (all as clearly outlined by this Board in its Opinion and Order), the Petitioner met its burden of proof as to the question of original mistake so as to warrant rezoning.

II. SECTION 2-356K DOES NOT PROHIBIT REZONING BY THE BOARD UPON A FINDING OF SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD.

Assuming arguendo that the Petitioner did not show error, the Board acknowledged that the Petitioner satisfied the requirements of § 2-356(j)(1) and (2), with respect to substantial change at the subject location. See Board of Appeals' Opinion and Order, at p. 5-6 ("It is obvious to this Board that a substantial change is occurring in the subject location as indicated in the testimony and exhibits of this case") ("[T]he Board is sympathetic to the reclassification as satisfying the requirements of Section 2-356(j)(1) and (2) . . .").

Pursuant to § 2-356(j) of the Baltimore County Code, in order for the Board of Appeals to grant a reclassification request, the Board must find that:

- (1) there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification was established in error; and,
- (2) that the prospective reclassification of the property is warranted by such change or error.

Reconsider and grant the requested Petition for Reclassification from M.L.-I.M. to B.M.<sup>1</sup> for the subject property.

*Robert A. Hoffman*  
ROBERT A. HOFFMAN  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
P. O. Box 5517  
Towson, Maryland 21204  
(410) 494-6200

<sup>1</sup> During the hearing before the Board, the Petitioner testified that the request, which was filed in the alternative, (either B.L. or B.M.), should be considered by the Board as a request for B.M. only, as limited by the documented site plan.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November, 1993, a copy of the foregoing Motion for Reconsideration was mailed to:

Peter Max Zimmerman, Esquire  
 Deputy People's Counsel  
 325 Courthouse  
 400 Washington Avenue  
 Towson, Maryland 21204

Robert A. Hoffman

IN THE MATTER OF \* BEFORE THE  
 THE APPLICATION OF \* COUNTY BOARD OF APPEALS  
 YORK-RIDGELY JOINT VENTURE \* OF  
 FOR A ZONING RECLASSIFICATION \*  
 FROM M.L.-I.M. TO B.L. ON PROPERTY \*  
 LOCATED ON THE SWC YORK AND \* BALTIMORE COUNTY  
 AYLESBURY ROADS (#1830 YORK ROAD) \*  
 8TH ELECTION DISTRICT \* CASE NO. R-93-306  
 3RD COUNCILMANIC DISTRICT \*

TESTIMONY

This case comes before the Board on a Petition for Reclassification of a property's zoning from M.L.-I.M. to B.L. The site is located at York and Aylesbury Roads (#1830 York Road) in the Third Councilmanic District, and is part of an industrial park zoned M.L. This case was heard this day in its entirety.

Counsel for the Petitioner opened his case with testimony by Gerald Wit, director of marketing for M.I.E. Investment Co., the owner of the subject site and also flex office/warehouse buildings to the rear of the property in the M.L. zone. Mr. Wit reviewed his experiences in managing and leasing properties of his company's 6,000,000 sq. ft. portfolio, and of the increasing vacancies in office buildings, and the absence of need for manufacturing space in the York Road Corridor from Hunt Valley to Timonium. The subject building had been leased to Comcast Cablevision of Maryland in the M.L.-I.M. zone for ten years, but Comcast terminated their lease in 1992. Mr. Wit testified to his firm's difficulty in getting inquiries for leases in the designated M.L. zone, but of the great demand for retail space. Under a Documented Site Plan, his firm intends to renovate the 20,000 sq. ft. building for retail businesses at a location with excellent visibility and access to

Case No. R-93-303 York-Ridgely Joint Venture

2

York Road. The industrial uses in the present M.L.-I.M. zone, he asserts, are incompatible with the Class A office use across York Road and the residential neighborhood beyond.

Charles Mazziott, recognized as an expert in commercial real estate, testified to the glut of office space on York Road and the demand for leases of 6,000 sq. ft. retail units, of receiving no inquiries for manufacturing. As a commercial leasing realtor, he felt that the M.L.-I.M. zone has no value for the subject property today and that the classification is in error. He felt that the Documented Site Plan would correct the error and provide an improvement to the location. In regard to the M.L.-I.M. zoned properties to the rear of the site and those situated on Aylesbury Road, Mr. Mazziott asserts that the subject site is oriented to York Road and that the present market condition calls for a retail site.

Jeffrey Long, area planner for the Baltimore County Office of Planning & Zoning, prepared reports for the Planning Board and the Board of Appeals recommending that the petition for reclassification be granted. This came after the Petitioner changed from an Open Plan to a Documented Site Plan. The decision was made as the intended use was consistent with adjacent land uses. In addition, Mr. Long stated that the landscaping designed for the site and the omission of extra curb cuts to the property were positive factors in their approval. Referencing the Hunt Valley/Timonium Study and the Master Plan, Mr. Long said that the Documented Site Plan was consistent with the recommendations for

Case No. R-93-303 York-Ridgely Joint Venture

3

mixed uses with some commercial development.

Robert T. Hoffman, the architect who prepared elevation drawings of the building, gave indication that the site is very attractive, and the improvements to the building will upgrade and enhance the York Road location.

Mickey Cornelius, traffic engineer, testified to the level of service and nearby intersections as a level of "C" or better. He stated that the access to the site was very adequate, and that the number of trips to and from the 20,000 sq. ft. property will be about the same whether zoned M.L.-I.M. or B.L. The surrounding road system can handle any anticipated uses.

William Kirwin, land planner and landscape architect testifying for the Petitioner, described the M.L.-I.M. area between York Road on the east and the recently completed Light Rail Line, which he considered the demarcation between pure M.L. use and customer available use. He emphasized that the light rail focused on bringing people to the area and not products by rail, and considered the area in need of more commercial uses rather than industrial. He suggested that there are many undesirable manufacturing uses under an unrestricted M.L. zone which he asserts are not appropriate at this site where the trend in the surrounding locals is toward a more affluent population growth. Mr. Kirwin considered the M.L.-I.M. zoning an error at the subject site because it is contiguous to a commercial zone and not the quasi-industrial area to the west. The B.L. zone is compatible with the R.O. zone across York Road and consistent with the Master Plan as

Case No. R-93-303 York-Ridgely Joint Venture

4

to transportation and the residential classification on the east side of York Road. Mr. Kirwin also referred to the Hunt Valley/Timonium Study adopted by the Planning Board that viewed the York Road Corridor as a retail mode calling for mixed uses. It was this expert witness's opinion that the most appropriate zoning is not applied to the subject site.

Throughout testimony for the petition, the People's Counsel for Baltimore County, in defending the M.L.-I.M. zone that has been in place since 1980, pointed to the correctness of the zoning in the area and the subject site. Until 1992 the building was under a long-term lease to Comcast Cablevision of Maryland, and only became vacant when the tenant required a larger facility and terminated. In cross-examination, he questioned whether the Petitioner has since made a concerted effort to lease the M.L.-I.M. property in the various uses available. The industrial zoning in 1992 suited the site very well, and therefore was not an issue considered for reclassification in the 1992 Comprehensive Map Process, which was approved by the County Council prior to this petition. People's Counsel noted several large shopping centers close to the subject location and questioned Petitioner's desire for retail space as based on present market conditions that could change.

Mr. Greg Jones, of the Department of Public Works, testified to traffic conditions and stated that York Road is a relatively congested road where the commercial zoning will show an increase versus a decrease of traffic in an M.L. zone.

Case No. R-93-303 York-Ridgely Joint Venture

5

OPINION

As in all reclassification petitions, this Board is bound to review the petition pursuant to the mandate of Section 2-356 of the Baltimore County Code. Further, in order to grant this petition for reclassification, the Board must find the present classification in error, as stated in Section 2-356(k):

No zoning reclassification of property shall, for a period of one (1) year after a zoning map applicable thereto may by an ordinance of the county council have been adopted, be granted on the ground that the character of the neighborhood has changed.

The Board is impressed by the expert testimony of Petitioner's witnesses that the subject site warrants serious consideration for a zoning reclassification. The recommendation of the Office of Planning & Zoning for the B.L. zone and the characteristics of the York Road commercial needs, as referenced in the Hunt Valley/Timonium Study and 1992 Master Plan, is compelling reason that changes have occurred at the location and vicinity which suggest a present error in the zoning.

However, the Board must acknowledge that the property had an appropriate use in the M.L.-I.M. zone and was not an issue for reclassification in the 1992 map process. It is obvious to this Board that a substantial change is occurring in the subject location as indicated in the testimony and exhibits of this case, but we cannot find that this evolution of change constituted an error on the part of the County Council at the time of the their review and deliberations in the map zoning process.

Case No. R-93-303 York-Ridgely Joint Venture

6

Whereas the Board is sympathetic to the reclassification as satisfying the requirements of Section 2-356(j)(1) and (2), we are compelled to comply with the restrictions placed on the Board by Section 2-356(k) which places limitations on granting reclassification. In consideration of this legislative act, the Board will therefore deny the Petition for Reclassification and will so order.

ORDER

IT IS THEREFORE this 29th day of October, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from M.L.-I.M. to B.L. be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

William T. Hackett, Chairman

William Clark

Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
 400 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21204  
 (410) 887-3180

October 29, 1993

Robert A. Hoffman, Esquire  
 VENABLE, BAETJER & HOWARD  
 210 Allegheny Avenue  
 P.O. Box 5517  
 Towson, MD 21285-5517

RE: Case No. R-93-306  
 York-Ridgely Joint Venture

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer, Esq.  
 Kathleen C. Weidenhammer  
 Administrative Assistant

Enclosure

cc: Edward S. John, General Partner  
 York-Ridgely Joint Venture  
 Mr. James Earl Kraft  
 People's Counsel for Baltimore County  
 P. David Fields  
 Lawrence E. Schmidt  
 Timothy M. Kotroco  
 W. Carl Richards, Jr. /ZADM  
 Docket Clerk /ZADM  
 Arnold Jablon, Director /ZADM



PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF  
FROM M.L.-I.M. TO B.L. OR  
M. ZONE : APPEALS OF BALTIMORE COUNTY  
Corner York and Aylesburg  
Roads (#1830 York Road),  
8th Election District  
and Councilmanic District  
YORK-RIDGELY JOINT VENTURE, Case No. R-93-306  
Petitioner (Item 4, Cycle 1)

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in  
re-captioned matter. Notices should be sent of any  
dates or other proceedings in this matter and of the  
of any preliminary or final Order.

*Hyman Cole Friedman*  
Hyman Cole Friedman  
People's Counsel for Baltimore County  
*Peter Max Zimmerman*  
Peter Max Zimmerman  
People's Counsel for Baltimore County  
400 Washington Avenue  
Towson, Maryland 21204  
Tel. 410-281-1188

HEREBY CERTIFY that on this 28th day of April, 1993,  
of the foregoing Entry of Appearance was mailed to Robert  
Hoffman, Esquire, 101 Allegany Ave., Towson, MD 21204,  
by the Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman

R-93-306  
Petition for Reclassification  
to the Board of Appeals of Baltimore County  
for the property located at SW corner of intersection of York Rd. and  
Aylesburg Rd. (#1830 York Rd.)

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached  
hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the  
Zoning Law of Baltimore County, from an ML-IM zone to an BL-OR zone, for the reasons given in the attached statement;  
and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore  
County:

*OK 4/1/93*  
OK TO FILE

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and  
are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Legal Owner  
York-Ridgely Joint Venture  
Signature  
Edward St. John, General Partner  
(Type or Print Name)  
Address  
City State Zipcode  
Signature  
C/O MIE Investment Co.  
5720 Executive Dr. 788-0100  
Baltimore, MD 21228-1789  
City Name Address and phone number of legal owner, contract purchaser or representative  
to be contacted  
Robert A. Hoffman, Esquire  
210 Allegheny Ave. 494-6262  
Towson, MD 21204  
Address Phone No  
ESTIMATED LENGTH OF HEARING  
The following date is recommended for hearing: Next Two Months  
ALL OTHER DATE  
REVIEWED BY: DATE

R-93-306  
REV. 7-15-93  
Petition for Reclassification  
to the Board of Appeals of Baltimore County  
for the property located at SW corner of intersection of York Rd. and  
Aylesburg Rd. (#1830 York Rd.)

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached  
hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the  
Zoning Law of Baltimore County, from an ML-IM zone to an BM zone, for the reasons given in the attached statement;  
and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore  
County: Section 409.4 of the Baltimore County Zoning Regulations to allow vehicular parking on travelways of an off-street parking  
facility.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and  
are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Legal Owner  
York-Ridgely Joint Venture  
Signature  
Edward St. John, General Partner  
(Type or Print Name)  
Address  
City State Zipcode  
Signature  
C/O MIE Investment Co.  
5720 Executive Dr. 788-0100  
Baltimore, MD 21228-1789  
City Name Address and phone number of legal owner, contract purchaser or representative  
to be contacted  
Robert A. Hoffman, Esquire  
210 Allegheny Ave. 494-6262  
Towson, MD 21204  
Address Phone No  
ESTIMATED LENGTH OF HEARING  
The following date is recommended for hearing: Next Two Months  
ALL OTHER DATE  
REVIEWED BY: DATE

R-93-360  
REVISED  
7/15/93  
FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS  
648 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY  
ZONING APPLICATION  
FOR RECLASSIFICATION / VARIANCE PLAT  
FROM ML-IM ZONING TO BM ZONING  
# 1830 YORK ROAD

FEBRUARY 25, 1993

BEGINNING FOR THE SAME AT A POINT IN YORK ROAD ON OR INTENDED  
TO BE ON THE ZONING DEMARCATION LINE SEPARATING THE EXISTING ML-IM  
AND RO ZONES, SAID POINT BEING DISTANT SOUTH 15 DEGREES 30 MINUTES  
00 SECONDS EAST 177 FEET MORE OR LESS FROM THE INTERSECTION OF THE  
CENTERLINES OF YORK ROAD, STATE ROUTE 45, AND AYLESBURG ROAD,  
RUNNING THENCE IN YORK ROAD AND BINDING ON THE AFOREMENTIONED ZONING  
LINE 11 SOUTH 21 DEGREES 42 MINUTES 41 SECONDS EAST 35.87 FEET  
THENCE LEAVING YORK ROAD AND BINDING ON THE ZONING DEMARCATION  
LINE SEPARATING THE EXISTING ML-IM AND BL-CC ZONES 21 SOUTH 45  
DEGREES 45 MINUTES 36 SECONDS WEST 232.00 FEET, RUNNING THENCE  
31 NORTH 21 DEGREES 45 MINUTES 00 SECONDS WEST 335.95 FEET, RUNNING  
THENCE 41 NORTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 232.00 FEET TO  
THE PLACE OF BEGINNING.

CONTAINING 1.76 ACRES OF LAND MORE OR LESS  
SAVING AND EXCEPTING THAT AREA WITHIN THE RIGHT OF WAY OF YORK RD  
0.31 ACRES MORE OR LESS



THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND IS  
NOT TO BE USED FOR CONVEYANCE OF LAND.

MICROFILMED

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th Date of Posting: 9/17/93  
Posted for: Robert A. Hoffman  
Petitioner: York-Ridgely Joint Venture  
Location of property: 1830 York Road, Towson, Maryland 21204  
Location of Sign: 1830 York Road, Towson, Maryland 21204  
Remarks: Reclassification  
Posted by: William T. Hackett Date of return: 9/24/93  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/19, 1993  
THIS IS TO CERTIFY that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 9/19, 1993

THE JEFFERSONIAN,  
LEGAL AD. - TOWSON  
Publisher

receipt  
Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Date: 8/13/93  
Account: R-001-6150  
Number: 336  
Item #336  
Zoning Case #R-93-306  
Robert A. Hoffman, Esquire  
TOTAL \$385.00  
Please Make Checks Payable To: Baltimore County  
Cashier Validation

R-93-306 receipt  
Item 336 #9  
Account: R-001-6150  
Date: 3/1/93  
RECLASS PETITION  
OWNER: YORK-RIDGELY JOINT VENTURE  
1830 YORK RD  
ML-IM TO BL(OR)BM  
\$500.00  
COUNTY BOARD OF APPEALS  
RECEIVED  
APRIL 1 - PM 3:32  
Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE & REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 105448  
DATE: 7-15-93 ACCOUNT: R001-6150  
AMOUNT: \$ 426.50  
RECEIVED FROM: York-Ridgely JIE  
FOR: 080 P+A Case # R-93-306  
VALIDATION OR SIGNATURE OF CASHIER  
FEB. AGENT YELLOW COUNTER

PETITION OF: York-Ridgely Joint Venture  
CIVIL ACTION # 67/3237 93-CV-1000  
IN THE MATTER OF YORK-RIDGELY JOINT VENTURE  
RECEIVED FROM THE COUNTY BOARD OF  
APPEALS EXHIBITS, BOARD'S RECORD  
EXTRACT & TRANSCRIPT FILED IN THE  
ABOVE-ENTITLED CASE, AND ZONING  
COMMISSIONER'S FILE AND EXHIBITS  
Clerk's Office  
Date: 1/27/94

Form CA2  
Sandra Sanidas - 887-2660  
Civil Assignment Commissioner  
CIRCUIT COURT FOR BALTIMORE COUNTY  
ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 Bosley Avenue  
P.O. Box 6754  
Towson, Maryland, 21285-6754  
February 14, 1994  
Kathy Rushton - 887-2660  
Jury Assignments - Civil  
Joyce Grimm - 887-3497  
Director of Central Assignment  
Jan Dockman - 887-2661  
Non-Jury Assignments - Civil

RE: Non-jury 93 CV 10641 - JUDICIAL REVIEW - YORK-RIDGELY JOINT VENTURE  
SETTLEMENT CONFERENCE  
All counsel and their clients MUST attend this Settlement Conference in person. All Insurance Representatives or, in domestic cases, a corroborating witness  
MUST attend this Settlement Conference in person. Failure of attendance in person of all parties listed above can result in sanctions being imposed, unless  
prior approval of the Court is obtained. THERE WILL BE NO EXCEPTIONS.  
HEARING DATE: Appeal: 1 1/2 Hour Thursday, May 12, 1994, @ 9:30 a.m.  
WITH THE EXCEPTION OF DOMESTIC CASES, COURT COSTS MUST BE PAID ON THE DATE OF SETTLEMENT CONFERENCE OR TRIAL,  
UPON SETTLEMENT OF THE CASE.  
POSTPONEMENT POLICIES:  
UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other to conform calendars for the above date(s).  
Claim of not receiving notice will not constitute reason for postponement.  
A request for postponement MUST BE MADE IN WRITING to the Assignment Office with a copy to all counsel involved.  
COUNSEL MUST NOTIFY THE CIVIL ASSIGNMENT OFFICE WITHIN 15 DAYS OF RECEIPT OF THIS NOTICE AS TO ANY CONFLICTS THAT  
MAY EXIST WITH THE ABOVE REFERENCED DATES. OTHERWISE, IT WILL BE ASSUMED THAT THESE DATES ARE VALID AND NO  
POSTPONEMENT WILL BE GRANTED.  
INDIVIDUALS WITH DISABILITIES, WHO MAY NEED ACCOMMODATIONS PRIOR TO COURT DATES, SHOULD CONTACT THE COURT  
ADMINISTRATOR'S OFFICE (887-3018) OR USE THE COURT'S TDD LINE (887-3018) OR THE VOICE/TTY MD. RELAY SERVICE 1-800-735-2258.

County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

April 16, 1993  
NOTICE OF HEARING  
CASE NUMBER: R-93-306  
1830 York Road  
SWC York and Aylesburg Roads  
8th Election District - 3rd Councilmanic  
Petitioner(s): York-Ridgely Joint Venture  
HEARING: TUESDAY, OCTOBER 5, 1993 at 10:00 a.m.  
LOCATION: COUNTY COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

William T. Hackett  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
cc: York-Ridgely Joint Venture  
Robert Hoffman, Esq.

MICROFILMED



ENT PUBLISHING COMPANY  
Number 2, 1991 Issue - Jeffersonian  
Hard Binding 101  
Only Joint Venture  
Development Company  
111 West Chesapeake Avenue  
Towson, Maryland 21204-1799  
101

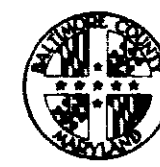
COPY

NOTICE OF HEARING

111 West Chesapeake Avenue  
Towson, MD 21204  
111 West Chesapeake Avenue  
Towson, MD 21204  
111 West Chesapeake Avenue  
Towson, MD 21204

to reclassify the property's zoning from M.L.-IM to B.L.  
TUESDAY, OCTOBER 5, 1993 at 10:00 a.m. in the County Courthouse,  
400 Washington Avenue, Towson, Maryland 21204

W. CARL RICHARDS, JR., CHAIRMAN  
BOARD OF APPEALS



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue July 9, 1993

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND  
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE  
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO  
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF  
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH  
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-93-306 YORK-RIDGELY JOINT VENTURE  
(MIE Development Company)  
SWC York and Aylesbury Roads  
(#1830 York Road)  
8th Election District  
4th Councilmanic District  
Reclassification: From M.L.-I.M. to B.L.  
or B.M.  
3/01/93 -Petition for Reclassification  
filed.

FOR PURPOSE OF SUBMITTING AMENDED (DOCUMENTED) SITE PLAN IN OPEN  
HEARING; NO TESTIMONY OR EVIDENCE TO BE RECEIVED.

ASSIGNED FOR: THURSDAY, JULY 15, 1993 at 9:30 a.m.

cc: Robert A. Hoffman, Esquire Counsel for Petitioner  
Edward St. John, General Partner  
York Ridgely Joint Venture  
c/o MIE Development Company  
James Earl Kraft  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue November 10, 1993

NOTICE OF ASSIGNMENT /Motion for Reconsideration

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND  
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE  
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO  
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF  
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH  
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-93-306 YORK-RIDGELY JOINT VENTURE  
SWC York & Aylesbury Roads  
(1830 York Road)  
8th Election District  
3rd Councilmanic District  
Reclassification: From ML-IM to B.L.  
10/29/93 -Opinion & Order of the Board  
granting reclassification to B.L.  
Assigned for: WEDNESDAY, NOVEMBER 24, 1993 AT 9:30 a.m.

FOR ARGUMENT ONLY ON MOTION FOR RECONSIDERATION  
FILED BY COUNSEL FOR PETITIONER

cc: Robert A. Hoffman, Esquire Counsel for Petitioner  
Edward St. John, General Partner  
York-Ridgely Joint Venture  
c/o MIE Investment Co.  
James Earl Kraft  
People's Counsel for Baltimore County  
P. David Fields  
c/o Jeffrey Long  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

April 30, 1993

(410) 887-3353

Robert A. Hoffman, Esquire  
210 Allegheny Avenue  
Towson, MD 21204

RE: Item No. 336  
Case No. R-93-306  
Petitioner: York-Ridgely Joint Venture  
Reclassification Petition

Dear Mr. Hoffman:

This reclassification petition has been timely filed with the Board of  
Appeals for a public hearing within the April-October reclassification  
cycle (Cycle 1). It has been reviewed by the zoning office as to  
form and content and has also been reviewed by the Zoning Plans  
Advisory Committee. The review and enclosed comments from the  
Committee are intended to provide you and the Board of Appeals with an  
insight as to possible conflicts or problems that could arise from the  
requested reclassification or uses and improvements that may be  
specified as part of the request. They are not intended to indicate  
the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions,  
briefs, and/or the site plans be amended so as to reflect better  
compliance with the zoning regulations and/or commenting agencies'  
standards and policies, you are requested to review these comments,  
make your own judgment as to their accuracy and submit the necessary  
amendments and appropriate fee to this office on or before May 6,  
1993. In the event that any requested amendments are not received  
prior to this date, the petition will be advertised as originally  
submitted.

In view of the fact that the submitted site plan does not  
indicate a proposed use at this time, the comments from this  
Committee are general in nature. If the request is granted  
and an additional hearing is required at a later date, more  
detailed comments will be submitted at that time.

Printed on Recycled Paper

Robert A. Hoffman, Esquire  
April 10, 1993  
Page 2

If you have any questions concerning the enclosed comments, please  
call or write to contact the Zoning Office at 887-3353 or the commenting  
agency.

Very truly yours,

W. Carl Richards, Jr.  
Zoning Coordinator

WTR:dk

Enclosures

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 21, 1993  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, Senior Engineer  
Development Plan Review  
RE: Zoning Advisory Committee Meeting  
for Zoning Reclassification Cycle I  
April, 1993 - October, 1993

The Development Plan Review Division has reviewed  
the subject zoning items and we have no comments for  
Items 1, 2, 4, and 6.

RWB:s

R-93-306  
336



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
CASE Item No. R-93-306  
HEARING DATE: 10-5-93

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to  
approval as it does not access a State roadway and is not effected by any State Highway  
Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

April 28, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
FROM: J. Lawrence Pilson, Jr.  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #R-93-306  
York-Ridgely Joint Venture, 1830 York Road  
Zoning Advisory Committee Meeting of April 1993-October 1993

The Department of Environmental Protection and Resource Management  
offers the following comments on the above-referenced zoning item.

1. Must comply with Baltimore County's Forest Conservation  
Regulations.

JLP:jbm

YORKRID/TXTRMP



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16, 1993

FROM: Jerry L. Pfeiffer, Captain  
Fire Department

SUBJECT: Zoning Reclassifications

R-93-302 No comments  
R-93-304 No comments  
CR-93-305-SFH Buildings on site shall comply with the applicable provisions of the 1990 Life Safety Code and the Baltimore County Fire Prevention Code. Fire lanes shall be provided on site for Fire Department access.  
R-93-306 Site and proposed buildings on site shall comply with applicable provisions of the 1990 Life Safety Code and the Baltimore County Fire Prevention Code.  
R-93-307 The zoning variance is approved. There may be the need at the time of concept and development plan submittal to locate some buildings to provide better fire access.  
R-93-308A Fire lanes shall be provided on site for Fire Department access. Fire turning radius shall be maintained on site for fire equipment maneuverability.  
R-93-309 No comments

JLP/dal

cc: File

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
MINUTES OF DELIBERATION /Motion for Reconsideration

IN THE MATTER OF: York-Ridgely Joint Venture  
Case No. R-93-306  
DATE: November 24, 1993  
BOARD /PANEL: William T. Hackett, Chairman (WTH)  
C. William Clark (CWC)  
Harry E. Buchheister, Jr. (HEB)  
SECRETARY: Kathleen C. Weidenhammer  
Administrative Assistant

Those present included Robert J. Hoffman, Esquire, Counsel for Petitioners; and People's County and Deputy People's Counsel for Baltimore County.

PURPOSE --for deliberation and final ruling on Motion for Reconsideration filed by Counsel for Petitioner; argued by Robert J. Hoffman, Esquire, on behalf of Petitioner; and the Office of People's Counsel this date. Written Ruling to be issued by Board.

CWC: Considered arguments of Counsel; notes taken in hearing of matter on merits; noted lack of evidence as to what assumptions County Council made when placing zoning; problem rebutting presumption of correctness of zoning classification put on property by Council; changes that have occurred over course of time cannot rebut the presumptive correctness of the zoning map. Addressed one-year period; cited sections of Code which deal with cycle zoning; believes Council intended one-year period of time where only ground for rezoning is for Petitioner to show error or mistake; does not believe that error was shown.

Would deny Motion for Reconsideration.

WTH: Stated his concurrence with comments made by CWC; also addressed time limits and one-year period, and past experience with regard to petitions filed within the one-year period after adoption of maps in which error/mistake was only ground for rezoning. Will therefore concur with CWC.

Would deny Motion for Reconsideration.

Minutes of Deliberation /Reconsideration  
York-Ridgely Joint Venture Case No. R-93-306

HEB: Considered arguments; also reviewed prior testimony of expert witness regarding change in area; reviewed portion of Board's original opinion, which he still supports; however, concurred with CWC regarding Council's decision to place existing zoning; also concurred with CWC and WTH regarding one-year period as stated in Code; no alternative but to deny Motion.

Would deny Motion for Reconsideration.

Closing statement by Chairman Hackett; consensus of Board that Motion for Reconsideration is DENIED.

Respectfully submitted,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

2

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

July 30, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-93-306 Revised  
YORK RIDGELY JOINT VENTURE, 1830 YORK ROAD  
Zoning Advisory Committee Meeting of July 26, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item:  
Development of the property must comply with the Forest Conservation Regulations

JLP:pms

YORK.RDG/TXTSBP

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
FROM: Robert M. Pelling, Deputy Director  
Development Planning Division

RE: Zoning Advisory Committee Meeting  
On August 2, 1993  
Case No. R-93-306  
York-Ridgely Joint Venture

The Amended Petition and Documented Site Plan were received for review on July 15, 1993. The Amended Petition and Documented Site Plan are being forwarded to you for processing with the Baltimore County Planning Board.

ENB:

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JUNE 29, 1993

York-Ridgely Joint Venture  
c/o MIE Investment Company  
5720 Executive Drive  
Baltimore, Maryland 21228-1789

RE: PAYMENT OF POSTING AND ADVERTISING FEES - RECLASSIFICATION PETITION  
CASE NUMBER: R-93-306  
1830 York Road  
SMC York and Aylesburg Roads  
8th Election District - 3rd Councilmanic  
Petitioner(s): York-Ridgely Joint Venture

Dear Petitioners:

Be advised that a new policy has been established to handle the fees with regard to property posting and legal advertising. As in the past, this office will ensure that the legal requirements for posting and advertising are satisfied; the policy change will effect to whom and when these fees are paid.

Cycle Reclassification Petitions are required to be heavily advertised. The initial ads, one-half page in size and running in four separate newspaper issues, contained a map of Baltimore County and a listing of all the reclass petitions in the cycle. The newspapers have billed the County \$2,740.50, this is charged back to you, equally divided among the petitioners.

Posting charges of \$35.00 and advertising charges of \$391.50, for a total of \$426.50 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Individual ads for each petition will run approximately one month before the scheduled hearing date. Billing for the individual ads, due upon receipt, will come from and should be remitted directly to the newspaper.

Non-payment of fees will stay the issuance of the Order. If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3351.

ARNOLD JABLON  
DIRECTOR

AJ:ggg

Baltimore County Government  
Planning Board

401 Bosley Avenue  
Towson, MD 21204

(410) 887-5211  
Fax (410) 887-5862

July 16, 1993

TO: William T. Hackett, Chairman  
County Board of Appeals  
FROM: P. David Fields, Secretary  
County Planning Board  
SUBJECT: Amendment to Case No. R-93-306,  
York-Ridgely Joint Venture (Cycle I, Item 4)

The Amended Petition and Documented Site Plan forwarded on July 15th from the Board of Appeals to the County Planning Board were received in time for deliberation in conjunction with the Board's action on the other six items comprising the Cycle I, 1993 report.

Enclosed pursuant to County Code Section 2-356(m)(2) is the staff report on this item, which was adopted by Resolution to constitute the Board's report recommending conditional approval of the amended Petition. The Board's action will also be incorporated at the proper place in the Cycle I report, which is being submitted under separate cover.

*David Fields*  
P. David Fields

PDF/TD/mjm  
YRKRDGLY/TXTMJM

Enclosure

cc: Robert Hoffman  
Peter Max Zimmerman  
W. Carl Richards, Jr.

R-93-306  
REV. 7-15-93

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

P. David Fields, Director  
Office of Planning & Zoning  
TO: Attention: Jeffrey Long Date: July 15, 1993

FROM: William T. Hackett, Chairman  
County Board of Appeals

SUBJECT: Submittal of Amended (Documented) Site Plan  
Case No. R-93-306 /York-Ridgely Joint Venture

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on July 15, 1993, we are transmitting to you a copy of the Amended Petition and Documented Site Plan submitted to the County Board of Appeals. This amended plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended Petition and Documented Site Plan to the Zoning Office.

*William T. Hackett*  
William T. Hackett

Attachment (1 copy of Amended Petition and Documented Site Plan)

cc: Pat Keller  
W. Carl Richards, Jr. w/10 copies of Amended Petition and Documented Site Plan



When it is argued that the average daily trips (ADT) to the site will increase as a result of the proposed development, the potential for any significant adverse effects on the environment from petroleum products, chemicals, or other toxic materials is negligible. It is true that the existing ML zone permits uses which are equally as adverse to the environment as those permitted in the BL or BM zones.

#### UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS

The proposed development will result in adverse environmental impacts to any ecosystem which would result from the relocation of this property from a ML-IM zone to a BL or BM zone.

#### LONG TERM EFFECTS ON THE ENVIRONMENT

The proposed development will not be altered in any way which would create or magnify adverse effects on the environment to any greater degree over and above that of the existing ML zone. There is no lasting effect on the environment which would result from the proposed development in the BL or BM zone.

## COMMUNITY INPUT MEETING MINUTES

Development Name: 1830 York Road  
Location: SW of York and Aylesbury Rds.  
District: 8C4

Date: September 14, 1994  
ZADM File No: VIII-637

Joseph V. Maranto, representing the Office of Zoning Administration and Development Management, called the meeting to order. Brief introductory comments were given about Baltimore County's development approval process and the purpose of the meeting.

Mr. Jerry Wit, of MIE and Mr. Dean Hoover, of G. W. Stephens & Associates Inc., representing the developer, presented the development proposal. Ms. Kathy Schlabach, of the Office of Planning and Zoning, explained the intent of the PUD-C legislation and its effect on the proposed development. The meeting was then opened for general discussion and questions as follows:

If the plan is approved and tenants move out, can an undesirable tenant such as an erotic book store move in?  
They are not permitted a full range of uses that are listed in the BR, BL, and BM zones as a matter of right. The legislation says that the exact uses that are shown on the plan are the only uses that are permitted without Planning Board approval.

It was suggested by a note on the plan that the hours of operation are until 2 a.m. What if a restaurant was part of the approval, and later they wanted to lease to a restaurant with a liquor license. Would that be permitted?  
At the time we prepared the plan, a restaurant with a liquor license was a possibility. The restaurant that was proposed was denied a liquor license. At that time, we chose to lease to a smaller restaurant rather than a larger user with the uncertainty of the liquor license.

Is the notion of commercial uses rather than office to bring in new businesses or accommodate present users?  
The restaurant cannot survive on 80,000 sq. ft. of office space. It is designed as a restaurant to attract customers from the surrounding area.

How does the PUD-C affect the zoning across York Rd.?  
The PUD-C cannot be applied to RO zoned property.

How will this be a benefit to the community?  
The developer is supposed to show public benefit such as revitalization of older buildings.

People in Northampton would like to have the yellow facade screened per the plan.

MICROFILMED

Has the county approved the design? What I understand is that the county will have greater control over the aesthetics.  
No, the county has not approved the plan. We are still in the middle of the process; however, the developer has the ability under the existing zoning to change certain uses and elements of the development.

If this is the final product, you still have a long way to go to meet the spirit of the PUD regulations. Our haste to upgrade the building led us to make those improvements that are permitted under the existing zoning.

What is the attraction to the developer for the PUD-C?  
A few more dollars in rent and the flexibility to get more dollars per square foot for retail uses. We are not looking for heavy retail uses, we are looking for specialty retail like the Casual Male, An Die Musik and other similar uses.

Does the rendering represent the finished product?  
Yes. The canopy and the floor to ceiling windows are part of the finished product.

Is the landscaping negotiable? NOTE: The issue of enhanced landscaping seemed to be an important issue to the community.  
Yes.

What are your intentions of meeting county suggestions?  
Quite frankly, we wanted your input. No changes have been made to the plan since it was originally submitted. We will take into consideration county comments and your input when we prepare the development plan.

Is the signage to be illuminated?  
Yes. It will be backlit.

What will be the impact on traffic?  
Comcast had 175 employees working in the building. I believe if we had the users proposed, it would actually generate less traffic.

Does the PUD-C allow for a change of use such as residential or structured parking?  
This is similar to a documented site plan. What we have proposed and what is actually approved is what we will be limited to. If any changes from the approved plan are contemplated, we will be required to go back through the approval process.

How many users do you anticipate and what commitments have been made?  
Five utilizing 4,000 square feet each. Schlitzky's and Nation's Mortgage, a mortgage company, are two leases that we have been working on.

What is the occupancy rate of your buildings?  
Up until last week, 100%. Whitney, Bailey, Cox, & Magnani, an engineering firm, recently vacated. Our vacancy rate is about 38% at this time.

RECEIVED

SEP 20 1994

OFFICE OF PLANNING & ZONING

Following closing comments about the next steps in the development process, the meeting was officially adjourned.

Respectfully submitted,

Joseph V. Maranto  
Project Manager

c: Hon. Douglas B. Riley, County Council, M.S. 2201  
Dev.: York Ridgely Joint Venture, 5720 Executive Blvd., Baltimore MD 21228  
Eng.: Dean Hoover, G.W. Stephens, Jr. et al, 658 Kenilworth Drive Suite 100, Towson MD 21204  
Reviewing Agencies: OPZ, ZADM, R&P, DPW, DEPRM, EDC, CDC, Bd. of Ed., Fire, and SHA- Please distribute as necessary within your agency.

RECEIVED  
SEP 20 1994  
OFFICE OF PLANNING & ZONING

401 Bayview Avenue  
Towson MD 21204

DATE: September 14, 1994

TO: Harold Reid, Chairman  
Baltimore County Planning Board

FROM: Arnold E. Keller, III, Director  
Office of Planning and Zoning

DATE: October 13, 1994

PROJECT NAME: 1830 YORK ROAD (PUD-C)

PROJECT NUMBER: VIII-637

GENERAL INFORMATION:

Applicant Name: York Ridgely Joint Venture

5720 Executive Blvd. Baltimore MD 21228

Location: SW Corner of York & Aylesbury Roads

Councilmanic District: 3rd

Growth Management Area: Employment Center

Zoning: ML-IM

Acres: 1.76±

#### REFERRAL TO THE PLANNING BOARD

COMMERCIAL PLANNED UNIT DEVELOPMENT - LEGISLATIVE INTENT  
The proposed development, 1830 York Road, is using the optional Planned Unit Development - Commercial (PUD-C) development process. The intent of this process is to "...facilitate better use of land which already has nonresidential zoning classification." (Section 440.2(A) of the PCZR). In exchange for the flexibility in the variety of uses allowed, "[t]hese regulations specifically require the highest quality of design for a site, with standards higher than those which would be applied by the conventional regulations..." (Section 440.2(C) BCZR). The PUD-C process is available only within mapped urban areas which were approved by the Planning Board and County Council.

Harold G. Reid, Chairman, Baltimore County Planning Board  
1831 York Road PUD-C  
October 13, 1994

A benefit to the public "beyond what would be obtained under conventional regulations" must be provided. This may include economic enhancements, better use of transit, redevelopment of revitalization areas, provision of community facilities, preservation of historic sites, affordable housing, etc. The use of the PUD-C process should also be consistent with and not undermine the purposes of the Master Plan; Comprehensive Zoning Map Process; duly adopted Community Area or Revitalization Plans; all duly adopted County Policies and manuals; the five year capital budget and program. Additionally, Commercial PUD projects must be compatible with surrounding and proposed land uses and are subject to the compatibility provisions of the development regulations. (Sec. 440.2(F) BCZR). The Applicant has submitted a report "Compatibility Findings" dated October 6, 1994 (attached), which will satisfy this requirement.

#### PUD-C PROCESS

The initial review of a PUD-C proposal is a two phase process. The first phase is to determine whether the proposed land use is appropriate. If it is, the second phase is to determine whether it is designed to meet the standards in the PUD-C regulations.

The approval process is also a two-phase process, similar to the residential PUDs. The Office of Planning and Zoning must report to the Planning Board, outlining the County's position on how the Concept Plan meets the PUD regulations. The Planning Board shall approve or deny the Director's report and Concept Plan. In approving a Concept Plan, the Planning Board may also amend or modify the Plan. If a Concept Plan is approved by the Planning Board, the Applicant may proceed through the process by preparing a detailed Authorization Plan for review by County agencies and final action by the Hearing Officer. Concept Plans denied by the Planning Board will not be forwarded for further review by the County.

#### PROJECT PROPOSAL

The site for the Commercial Planned Unit Development (PUD-C) consists of 1.76± acres of a 6.97± acre site of land zoned ML-IM. The 1.76 acre area contains a vacant one story office building (20,000 sq. ft.) and will not be subdivided from the 6.97± acres. The optional use of the PUD-C process on the 1.76± acre portion will permit the use of this building for a retail center. The proposed retail building is part of a larger complex that includes 2 five-story warehouse buildings, parking and loading areas. These 3 buildings share access points, circulation and parking.

Surrounding land uses and zoning are as follows: office/warehouse to the north and west on land zoned ML-IM, a restaurant to the south on land zoned BI-CDC, and residential office (zoned RO) to the east across York Road.

#### COMMUNITY INPUT

On Wednesday, September 14, 1994 at 7 pm, the required Community Input Meeting (CIM) was held by the developer. The minutes of the CIM are attached. There were approximately 15 people in attendance including representatives from the County (Office of Zoning Administration and Development Management and the Office of Planning and Zoning).

Harold G. Reid, Chairman, Baltimore County Planning Board  
1831 York Road PUD-C  
October 13, 1994

After the Developer presented the Concept Plan, the community residents asked a number of questions concerning this project. These concerns can be summarized as:

Uses Permitted- The residents expressed concern that undesirable uses which are permitted by right in the BR, BL, and BM zones might occupy the building. The Applicant responded that only the exact uses shown on the plan are permitted without Planning Board approval.

Building Design - Improvements were made which were permitted under existing zoning.

Landscaping - Enhanced landscaping and screening of the yellow canopy was desired by the community.

#### PROJECT REVIEW PROCESS

This PUD proposal has been reviewed by the Office of Planning and Zoning, the Departments of Public Works, Environmental Protection and Resource Management, and Recreation and Parks, the Division of Real Estate, the State Highway Administration, and the Office of Zoning Administration and Development Management.

The Applicant has submitted a revised plan to comply with County comments. A number of County comments are technical in nature and relate to later stages of the development process. Only comments which must be resolved at the Concept Plan level are considered in recommendations to the Planning Board.

It was found that the proposed land use is an appropriate land use change and that it does not conflict with approved public policies or plans.

The public benefit provided by the 1830 York road PUD-C includes the redevelopment of a vacant site to enhance the economic vitality of the area while improving building design and streetscape. In addition, the revised plan clearly shows that a sidewalk will be extended to the light rail, a benefit which will promote the use of transit.

#### RECOMMENDATIONS

As a result of the inter-agency and public comments on the proposed 1830 York Road PUD-C, the Director of Planning and Zoning recommends that the proposed Concept Plan be APPROVED SUBJECT TO COUNTY COMMENTS AND THOSE LISTED BELOW. It is further recommended that the Applicant may proceed through the process by preparing a detailed Authorization Plan for review by County agencies and final action by the Hearing Officer.

Extend the sidewalk along Aylesbury Road approximately 170 ft. to connect it to the sidewalk on York Road. This will provide a complete pedestrian connection to the light rail.

Division Chief:

AVA:CMC:bjs  
Attachments

9408637.PBR/PZONE/CONCEPT

Pg. 3

7/09/93 -Following parties notified of open hearing to receive amended (documented) site plan only set for Thursday, July 15, 1993 at 9:30 a.m.:

Robert A. Hoffman, Esquire  
Edward St. John, General Partner  
York Ridgely Joint Venture  
C/O MIE Development Company  
James Earl Kraft  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM



Following parties notified of Motion only hearing scheduled for Wednesday, November 24, 1993 at 9:30 a.m.:

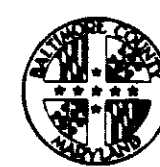
Robert A. Hoffman, Esquire  
Edward St. John, General Partner  
York-Ridgely Joint Venture  
MIE Investment Co.  
James Earl Kraft  
People's Counsel for Baltimore County  
Baltimore Fields  
Jeffrey Long  
Michael F. Schmidt  
William H. Petrocc  
James Richards, Jr.  
Mick Clerk ZADM  
Arnold Jablon, Director /ZADM

Revised Site Plan for Developer 11/04/93;  
Petitioner's Counsel by 11/19/93; to be scheduled  
and hearing 11/24/93.

THIS SENT BY MAIL BY AIRMAIL 11/10/93 NOTATION.

Re: Motion for Reclassification filed by People's Counsel.

Re: Motion for Reclassification; Motion DENIED in open  
hearing; further action to be issued.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

January 13, 1995

Robert A. Hoffman, Esquire  
VENABLE /Attorneys at Law  
210 ALLEGHENY AVENUE  
TOWSON, MD 21204

RE: Case No. R-93-306  
YORK-RIDGELY JOINT VENTURE

Dear Mr. Hoffman:

As no further action has been taken regarding the subject matter since the September 15, 1994 order issued by the Circuit Court for Baltimore County, we have returned the Board's copy of the subject zoning file to the office of Zoning Administration and Development Management.

Anyone interested in this case can contact the Owen Stephens of Zoning Administration at 887-3391 upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

cc: Edward St. John, General Partner  
York-Ridgely Joint Venture  
c/o MIE Investment Co.  
James Earl Kraft  
People's Counsel for Baltimore County

Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE: January 13, 1995

FROM: Charlotte E. Radcliffe  
County Board of Appeals

SUBJECT: Closed File:  
Case No. R-93-306, Item #4, Cycle I, 1993  
YORK-RIDGELY JOINT VENTURE  
District 8

Pursuant to our recent receipt of the Order issued by the Circuit Court for Baltimore County and as no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

MICROFILMED

R-93-306

VENABLE, BAETJER AND HOWARD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D. C.  
MCLEAN, VA  
ROCKVILLE, MD  
BETHESDA, MD  
P.O. BOX 5517  
TOWSON, MARYLAND 21285-5517  
(410) 494-6262  
FAX (410) 821-0147

ROBERT A. HOFFMAN  
1410 494-6262

February 26, 1993

William T. Hackett, Chairman  
Baltimore County Board of Appeals  
Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification  
- York-Ridgely Joint Venture York Road  
- Property located in the southwest quadrant of the  
intersection of York Road and Aylesbury Road

Dear Mr. Hackett:

This firm represents the York-Ridgely Joint Venture, the Petitioner in the above-referenced zoning reclassification request for property located at the southwest quadrant of the intersection of York Road and Aylesbury Road. The subject property, which is presently zoned ML-IM, contains approximately 6.97 acres and consists of an office/warehouse flex building leased to Comcast Cablevision of Maryland. The Petitioner is requesting BL (Business, Local) or BM (Business, Major) zoning for approximately 1.76 acres of the property in accordance with the attached open site plan.

As I am sure you are aware, the subject property is situated between Ridgely Road and Timonium Road abutting the commercial York Road corridor. In fact, the southern border of the property adjoins a vacant commercial property also owned by the York-Ridgely Joint Venture and then just to the south is the Yorkridge Shopping Center which is zoned BL-CC. The Yorkridge Shopping Center is a major shopping facility which includes a Caldor, Circuit City, a Super Fresh, the Yorkridge Cinema and a variety of small to medium-sized retail stores. To the north and west of the property, between I-83 and York Road, lies a large area of ML-IM zoning. Based on the existing uses which surround the York-Ridgely property, the

and York Road, lies a large area of ML-IM zoning. Based on the existing uses which surround the York-Ridgely property, the

Amended Petition  
See Site Plan submitted 7/15/93

William T. Hackett, Chairman  
February 26, 1993  
Page 2

Petitioner strongly believes that the subject site relates more consistently with the commercial uses than any industrial use and, therefore, would be more appropriately zoned BL or BM. Clearly, the proposed commercial zoning would be quite consistent with the overall character of the York Road corridor.

Moreover, at page 102 of the Baltimore County Master Plan -- the County's guide for future zoning and development -- the subject property is shown as "mixed use redevelopment." According to the Master Plan, this category indicates areas where major redevelopment of more intensive, higher quality uses is possible. Thus, once again, BL or BM zoning at the subject site would be consistent and well-suited to the County's own directive. Accordingly, the Petitioner submits that the property's current ML-IM zoning is a mistake and that the County Council should have considered it as an appropriate site for BL or BM zoning.

For these reasons, it is respectfully submitted that the subject property should be reclassified to BL or BM.

Very truly yours,

*Robert A. Hoffman*  
Robert A. Hoffman

RAH/ok  
cc: Max Edward St. John

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D. C.  
MCLEAN, VA  
ROCKVILLE, MD  
BETHESDA, MD  
P.O. BOX 5517  
TOWSON, MARYLAND 21285-5517  
(410) 494-6262  
FAX (410) 821-0147

ROBERT A. HOFFMAN  
1410 494-6262

July 8, 1993

1410 494-6262

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: MIE - York and Aylesbury Roads  
Petition for Zoning Reclassification  
Case No. R-93-306

Dear Mr. Hackett:

As counsel for the MIE Development Company, Petitioner in the above-referenced matter, we would like to request that you please schedule a very brief hearing for July 14, 1993, so that the Petitioner may submit a Documented Site Plan to the Board as part of its reclassification request.

No testimony will be offered and we anticipate that the entire proceeding should take no more than ten minutes.

Should you have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

*Robert A. Hoffman*  
Robert A. Hoffman

RAH/dok

cc: Peter Max Zimmerman, Esquire  
Peoples' Counsel for Baltimore County

RECEIVED  
COUNTY BOARD OF APPEALS  
93 JUL -8 PM 3:49

VENABLE, BAETJER AND HOWARD

REVISED  
7/15/93

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D. C.  
MCLEAN, VA  
ROCKVILLE, MD  
BETHESDA, MD  
P.O. BOX 5517  
TOWSON, MARYLAND 21285-5517  
(410) 494-6262  
FAX (410) 821-0147

ROBERT A. HOFFMAN  
1410 494-6262

July 15, 1993

1410 494-6262

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: York-Ridgely Joint Venture - York and Aylesbury Roads  
Petition for Cycle Zoning Reclassification  
Case No. R-93-306

Dear Mr. Hackett:

As counsel for the York-Ridgely Joint Venture, Petitioner in the above-referenced reclassification request, we would like to submit the attached Documented Site Plan in conjunction with the proposed rezoning at 1830 York Road. The area of requested rezoning on the subject property, which is presently zoned ML-IM and consists of an office/warehouse flex building, contains approximately 1.76 acres out of an overall 6.97 acre tract. The Petitioner is requesting BM zoning as well as a parking variance from § 409.4 B.C.Z.R. to permit the retention of the existing building with some architectural modifications the use of which would be limited to one or a combination of the uses listed on the first page of the Documented Site Plan.

The subject property is situated between Ridgely Road and Timonium Road abutting the commercial York Road corridor. In fact, the southern border of the property adjoins a vacant commercial property also owned by the York-Ridgely Joint Venture and then just to the south is the Yorkridge Shopping Center which is zoned BL-CC. The Yorkridge Shopping Center is a major shopping facility which includes a Caldor, Circuit City, a Super

MICROFILMED

William T. Hackett, Chairman  
July 15, 1993  
Page 2

Fresh, the Yorkridge Cinema and a variety of small to medium-sized retail stores. To the north and west of the property, between I-83 and York Road, lies a large area of ML-IM zoning. Based on the existing uses which surround the York-Ridgely property, the Petitioner strongly believes that the subject site relates more consistently with commercial uses than any industrial use and, therefore, would be more appropriately zoned BM. Clearly, the proposed commercial zoning would be quite consistent with the overall character of the York Road corridor and to leave the property in its existing industrial zone would be a mistake.

Moreover, at Page 102 of the Baltimore County Master Plan -- the County's Guide for Future Zoning and Development -- the subject property is shown as "mixed use redevelopment." According to the Master Plan, this category indicates areas where major redevelopment of more intensive, higher quality uses is possible. Thus, once again, BM zoning of the subject site would be consistent and well-suited to the County's own directive. This is particularly true in light of the Petitioner's submission of this Documented Site Plan, which provides Baltimore County and the surrounding landowners with reasonable assurances that the existing landscaping, site design and building (with the exception of some minor structural improvements and remodeling work and the addition of a loading area on the premises) will be retained. Accordingly, the Petitioner submits that the property's current ML-IM zoning is a mistake and that the County Council should have considered it as an appropriate site for BM zoning.

Finally, as mentioned previously, the Petitioner is also requesting a parking variance from § 409.4 B.C.Z.R. The purpose of this variance is to allow vehicular parking to continue on the travelway of the site's off-street parking facility. It should be noted that at the time the off-street parking facility for this site was originally approved, § 409.4 was not in effect. Even so, the parking facility has functioned without incident over the years and we therefore believe strict compliance would render conformance unnecessarily burdensome. Since the parking facility has functioned without incident, it is clear that permitting it to remain would not create any adverse impact.



William T. Hackett, Chairman  
July 15, 1993  
Page 3

For the reasons contained herein, it is respectfully submitted that the subject property should be reclassified to BM and the request parking variance approved.

Sincerely,

Robert A. Hoffman

enclosures  
RAH/dok

cc: Edward St. John  
Peter Max Zimmerman, Esquire  
Peoples Counsel for Baltimore County

HACKETT2 GPM

# VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
210 ALLEGHENY AVENUE  
P.O. BOX 8817  
TOWSON, MARYLAND 21286-8817  
14101 484-8800  
FAX 14101 881-0147

August 11, 1993

RECEIVED  
AUG 12 1993  
ZADM

Hand Delivered

Mr. John Lewis  
Zoning Office  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Item No. 336  
Case No.: R-93-306

Dear John:

With regard to the above captioned matter, enclosed please find a check in the amount of \$385.00 to cover the \$250.00 additional variance request, \$100.00 revision fee and \$35.00 sign and posting fee.

Sincerely,

Barbara A. White  
Legal Assistant

bw  
cc: Robert A. Hoffman, Esquire

# VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
210 ALLEGHENY AVENUE  
P.O. BOX 8817  
TOWSON, MARYLAND 21286-8817  
14101 484-8800  
FAX 14101 881-0147

August 11, 1993

Hand Delivered

Mr. John Lewis  
Zoning Office  
111 W. Chesapeake Avenue  
Towson, Md

Re: HERE'S A COPY OF THE RECEIPT  
FOR THE FEES COLLECTED AS A  
RESULT OF JOHN LEWIS' COMMENTS  
ON THESE REVISED PLANS. CALL  
ME IF YOU HAVE QUESTIONS.

HENG ON RECLASS: 10/05/93  
Barbara A. White  
Legal Assistant

bw  
cc: Robert A. Hoffman, Esquire

RECEIVED  
AUG 12 1993  
ZADM

RECEIVED

SEP 12 1994

OFFICE OF  
PLANNING & ZONING

GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.  
CONSULTING ENGINEERS  
1940-1990

TOWSON  
SHELDON A. STEPHENS, JR.  
PETER M. STEPHENS, JR.  
ROBERT P. STEPHENS, JR.  
JAMES E. STEPHENS, JR.  
J. STEPHENS, JR.

W. H. STEPHENS, JR., P.E.  
1940-1990  
W. H. STEPHENS, JR., P.E.  
1940-1990  
W. H. STEPHENS, JR., P.E.  
1940-1990

October 6, 1994

Mr. Arnold F. Keller, III, Director  
Baltimore County  
Office of Planning  
401 Bosley Avenue  
Towson, Maryland 21204

RE: 1830 York Road PUD-C

Dear Mr. Keller,

It is our understanding that Section 430.11(D) of the Baltimore County Zoning Regulations requires a findings report to be produced using the criteria set forth in Section 26-282 of the Comprehensive Manual of Development Policies Manual (CMDP). This report is to insure that the proposed PUD-C is compatible with the surrounding land uses.

The development of 1830 York Road is 6.97 acres of land located at the intersection of York Road and Aylesbury Road. The current zoning of the property is zoned ML-IM. The area of the land proposed for the PUD-C is 2.09 acres of land at the intersection of York Road and Aylesbury Road. The site is currently occupied by 101,000 square feet of office warehouse. The proposed PUD-C is an existing 20,000 square foot building facing York Road (known as the Comcast Building).

The proposed PUD-C is currently zoned ML-IM. To the south of the site is zoned ML-IM. To the east across York Road is zoned R-O. To the south of the site is zoned BL-CCC. To the east of the site is zoned ML-IM. All the properties adjoining this site or across York Road are developed. To the south of the site is Baltimore Association of Retarded Citizens. Across York Road are all small R-O structures. To the south is Bertucci's Brick Oven Pizzeria. To the west is the remainder of the site, an office-warehouse.

TOWSON: 650 KENNEDY DRIVE • SUITE 100 • TOWSON, MARYLAND • 21204 • (410) 258-8120 • FAX: (410) 258-8200  
BAL AIR: 201 EAST BRIDGEMAN • BAL AIR, MARYLAND • 21014 • (410) 870-1500 • (410) 808-0800 • FAX: (410) 808-0825

RECEIVED

SEP 12 1994

OFFICE OF  
PLANNING & ZONING

Mr. Arnold F. Keller, III, Director  
Baltimore County  
Office of Planning  
October 6, 1994  
Page -2-

The existing building that is proposed for redevelopment is situated approximately 6 feet to 8 feet below York Road. When driving on York Road, the mechanical system located on the flat roof of the building was visible from both directions. The exterior finish of the existing building consists of a combination of red brick, brown wood siding and aluminum windows. A brick veneer is from the ground to the window sills, approximately 6 feet up from the ground. The windows are framed with wood and have an exterior finish of wood siding to the roofline (see photos).

The proposed improvements to the building that are currently under construction consist of the following:

1. Putting in store fronts glass windows and doors. This is to give the project a sense of street side shopping.
2. The canopy design provides a multiple function:
  - It hides the mechanical system on the roof.
  - Provides a horizontal offset to the building.
  - Identification of the building and its retailers.
  - Provides cover for the shops as they enter exit and go from shop to shop.
3. The exterior brick is to match other buildings on site.
4. The windows and siding are covered by the canopy.

The following improvements are proposed to the parking lot:

1. A pedestrian connection is proposed from the York Road bus stop to the retail center (see plan).
2. A sidewalk from the retail parking lot going west along Aylesbury Road. This provides a lateral connection with the existing buildings, as well as a future connection to the light rail station.
3. No new access points are proposed for this development.

The existing building and the streets surrounding the site are extensively landscaped. The following enhancements will be made to the site:

1. Tree wells will be placed in the front and on the south side of the building to soften the edges of the building and canopy.
2. Parking lot trees will be planted in the tree wells on the south building as well as an enhanced perimeter between the project and Bertucci's.
3. An outdoor seating area for employees and patrons will be provided for between the existing building.
4. The proposed loading area and dumpster will be screened by fencing.
5. Additional street trees will be provided on the north end of the project along York Road. These trees will match the existing street trees.

MICROFILMED

Mr. Arnold F. Keller, III, Director  
Baltimore County  
Office of Planning  
October 6, 1994  
Page -3-

RECEIVED

SEP 12 1994

OFFICE OF  
PLANNING & ZONING

The following improvements will be to the signage to the site

1. The existing sign on the north end of the site will be removed.
2. A new project identification sign will be constructed on York Road (see plan for location).
3. The sign will be a ground mounted sign constructed of brick and other materials that are complimentary to the buildings.
4. The sign will be the project identification signage for the entire 6.97 acre site.

The following eight items are in response to the compatibility requirements as outlined in the CMDP Manual:

1. Arrangement and orientation of the building or parking lots are not changing.
2. The parking lot is approximately 6 feet below the grade of York Road. There is no impact of light shining on the road or onto the surrounding neighbors.
3. No changes are proposed to the access patterns or streets.
4. With the addition of the sidewalk along Aylesbury Road, this will help create a network of sidewalks to the Light Rail Station.
5. N/A
6. See landscape plan.
7. With the use of matching brick throughout the project, from the buildings to the signage, we have kept a uniform architectural theme on the project.
8. N/A

We feel that this proposed development meets and exceeds the intent of compatibility set forth in the CMDP Manual and the Office of Planning and Zoning should look favorable on this proposal. If you have any questions about the information submitted to your office on compatibility findings, please call me.

Very truly yours,

GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.  
Dean C. Hoover

DCH:kmp  
Enclosures

Chairman  
County Board of Appeals  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Re: Case No. R-90-173  
Wed, Oct 31, 1990 at 10 AM  
"ICEE HOWAR" GOODMAN

Dear Mr. Chairman:

I have received a subpoena to be in Court in Baltimore City at 2 P.M. on the day of the above hearing set before your Board at 10:00 A.M.

Since I wish to testify for only 5 minutes or less can you please take me out of turn in the event the hearing does not end before 12 Noon, so that I may be able to be in the City in the afternoon.

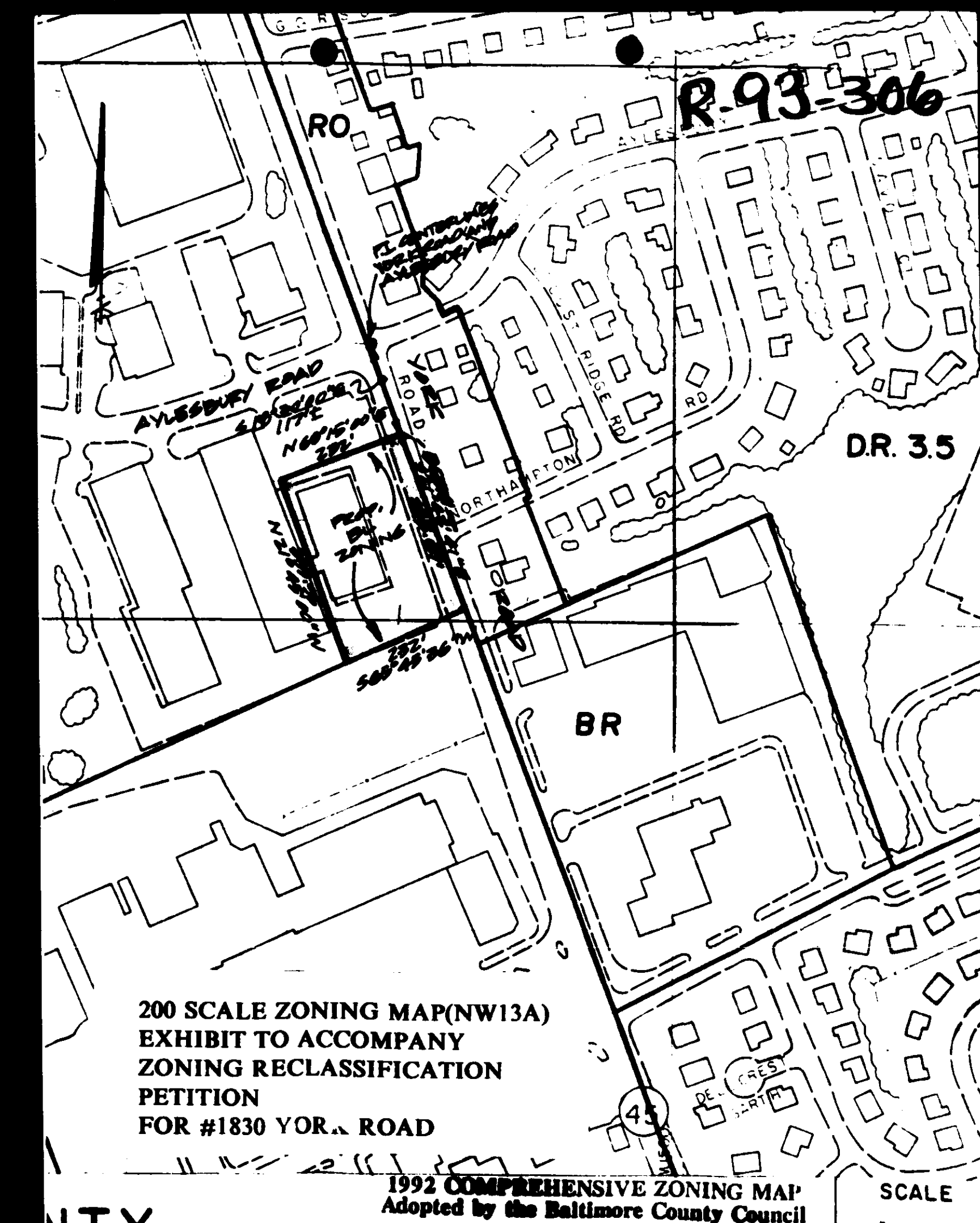
Thank you for your consideration.

Very truly yours,

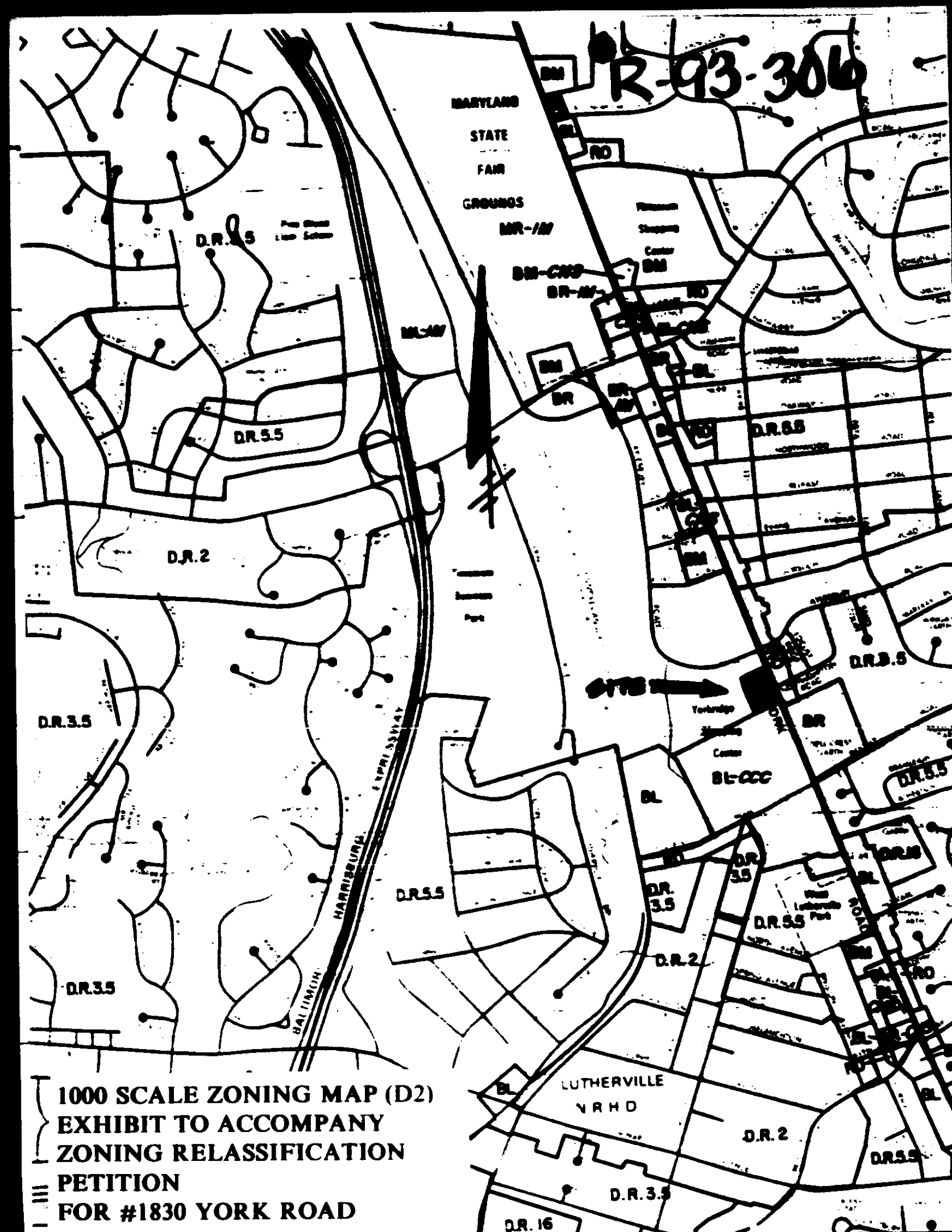
Kenneth T. Bosley  
Box 334  
Cockeysville, Md. 21030  
771-4316

TE 10/14/90  
to 7/14/91  
LHM to PP of  
10/14/90 hearing and  
no later date.

RECEIVED  
SEP 12 1994  
ZADM







ORIGINAL

YORK-RIDGEMAN JOINT VENTURE • BEFORE THE  
(RJR Development Company) • COUNTY BOARD OF APPEALS  
800 York and Aylesbury Roads • OF BALTIMORE COUNTY  
(1830 York Road) • Case No. R-93-306  
Reclassification from RL-1H • October 5, 1993  
to RL or RM

The above-entitled matter came on for hearing  
before the County Board of Appeals of Baltimore County at  
the Old Courthouse, Towson, Maryland 21204 at 10 o'clock  
a.m., October 5, 1993.

Reported by:  
C.E. Peatt

BOARD OF APPEALS - Original Transcript -

ORIGINAL

YORK-RIDGEMAN JOINT VENTURE • BEFORE THE  
(RJR Development Company) • COUNTY BOARD OF APPEALS  
800 York and Aylesbury Roads • OF BALTIMORE COUNTY  
(1830 York Road) • Case No. R-93-306  
Reclassification from RL-1H • November 24, 1993  
to RL or RM

The above-entitled matter came on for hearing  
before the County Board of Appeals of Baltimore County at  
the Old Courthouse, Towson, Maryland 21204 at 10 o'clock  
a.m., November 24, 1993.

Reported by:  
C.E. Peatt

BOARD OF APPEALS - Original Transcript -

EXHIBIT A

IN THE MATTER OF  
THE APPLICATION OF  
BALTIMORE GAS AND ELECTRIC CO.  
FOR RECLASSIFICATION FROM B.R.  
AND M.L.-I.M. TO B.M.-C.C.C.  
ON PROPERTY LOCATED ON THE SOUTH  
WEST SIDE OF REISTERSTOWN ROAD  
OPPOSITE ROSEWOOD LANE  
4th DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. R-86-344  
#10, Cycle II, 1985

OPINION

The issues presented in this case raise a dilemma that the Board  
has been required to address in a number of cases; namely, whether a reclassi-  
fication that can be shown to be highly desirable and in fact an improvement  
over the existing zoning should be permitted where the existing zoning does  
provide for a reasonable use of the property. The testimony that the Board  
received on this petition was highly probative and persuasive that a change  
to B.M.-C.C.C. zoning would permit a flexible approach to developing an attrac-  
tive commercial mixed-use facility on this 10-acre parcel. Though the Board  
was not benefited by the presentation of a specific plat in this petition  
request, we can fully appreciate the benefits of the recommended zoning for  
such a highly visible access point near the gateway to the Owings Mills Town  
Center. Nevertheless, this Board cannot state that the existing zoning does  
not provide for a reasonable use of the property and would therefore be in  
error. The Board is often faced with differing visions of property use from  
reclassification petitioners which are quite appealing and which are from a  
planning perspective most desirable. In our review of these requests, the law  
requires that we be satisfied that sufficient change in the neighborhood has  
taken place since the last Comprehensive Zoning Process so as to warrant the  
zoning requested or that an error exists in the present zoning so as to require  
the change. As unfortunate as the Petitioners who come before this Board  
believe it may be, our role is not to set policy for zoning change, as that is

EXHIBIT C

1 BALTIMORE GAS AND • IN THE  
2 ELECTRIC COMPANY • CIRCUIT COURT  
3 VS. • FOR  
4 BOARD OF APPEALS • BALTIMORE COUNTY  
5 • Case No. 87-CG-18  
6 \*\*\*\*\*  
7  
8 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS  
9  
10 Towson, Maryland  
11 August 10, 1987  
12  
13 Before:  
14 HONORABLE JOSEPH F. MURPHY, JR., ASSOCIATE JUDGE  
15  
16  
17 APPEARANCES  
18  
19 On Behalf of the Plaintiff:  
20 JOHN B. HOWARD, ESQUIRE  
21 On Behalf of the Defendant:  
22 PETER M. ZIMMERMAN, ESQUIRE  
23  
24 Reported by: PATRICIA A. CIRASOLE  
25 Official Court Reporter

EXHIBIT C

IN THE MATTER OF THE • BEFORE THE  
THE APPLICATION OF • COUNTY BOARD OF APPEALS  
CLARIDGE TOWERS COMPANY • OF  
FOR A ZONING RECLASSIFICATION • OF  
FROM D.R. 16 TO 0-1 AND A VARIANCE • BALTIMORE COUNTY  
AND SPECIAL HEARING ON PROPERTY • CASE NO. CR-90-409-SPHA  
LOCATED ON THE EAST SIDE OF BELLONA • Item #10, CYCLE III  
LANE, 74' + NORTH OF THE CENTER- • 1990  
LINE OF BELLONA AVENUE •  
(8415 BELLONA LANE) •  
8TH ELECTION DISTRICT •  
3RD COUNCILMANIC DISTRICT •

The Petitioner, Claridge Towers Company, has filed a Petition  
for Reclassification requesting that its property be changed from  
its present zoning of D.R. 16 to 0-1, a Petition for Zoning  
Variance from Section 204.4.c.3 to permit .82 floor area ratio in  
lieu of .55; 204.4.d to allow 96 feet in lieu of maximum of 60  
feet; and a Petition to approve existing special exceptions granted  
prior hereto.

The subject property is located on the east side of Bellona  
Lane, north of Bellona Avenue (8417 Bellona Avenue) in Baltimore  
County, Maryland, and consists of approximately 5.66 acres. It is  
improved with a ten-story structure which was constructed in the  
early 1960's. It is best described as a ten-story mid-rise  
elevator apartment building in which the first two floors are used  
as office space, mostly medical offices. The apartment building is  
known in the community as "Ruxton Towers" and is located just  
inside the Baltimore Beltway on the west side of Charles Street.

The Petitioner is requesting a reclassification from D.R. 16  
to 0-1 in order to convert the apartment building to office use and  
in so requesting requires variances to height and floor area ratio.

EXHIBIT C

IN THE MATTER OF THE • BEFORE THE  
THE APPLICATION OF • COUNTY BOARD OF APPEALS  
CLARIDGE TOWERS COMPANY • OF  
FOR A ZONING RECLASSIFICATION • OF  
FROM D.R. 16 TO 0-1 AND A VARIANCE • BALTIMORE COUNTY  
AND SPECIAL HEARING ON PROPERTY • CASE NO. CR-90-409-SPHA  
LOCATED ON THE EAST SIDE OF BELLONA • Item #10, CYCLE III  
LANE, 74' + NORTH OF THE CENTER- • 1990  
LINE OF BELLONA AVENUE •  
(8415 BELLONA LANE) •  
8TH ELECTION DISTRICT •  
3RD COUNCILMANIC DISTRICT •

AMENDED ORDER

On August 30, 1991, this Board issued an Opinion and Order in  
the above-captioned matter. The Board, on its own Motion, has  
reviewed its Order issued in the proceedings and finds that it is  
ambiguous, in need of clarification, and does not adequately  
express the intent of the Board as contained in its Opinion. The  
Board is striking its previous Order in its entirety and issuing  
the following Amended Order.

IT IS THIS 19th day of September, 1991 by  
the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from D.R. 16 to  
0-1 for the subject property be and the same is hereby GRANTED  
subject to the following:

That the granting of the 0-1 zone to the subject property is  
restricted in use as offices and as provided for in the 0-1 zone  
for the first through fourth floors of the ten-story apartment  
building located at 8417 Bellona Avenue; and it is further

ORDERED that the fifth through the tenth floors of the  
apartment building shall remain as apartments and for residential  
use only, as restricted; and it is further

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

PEOPLE'S COUNSEL, ET AL

Case No. 91-CV-4798

V.

CLARIDGE TOWERS

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS  
(Excerpt: Opinion of the Court)

April 14, 1992  
Towson, Maryland

BEFORE:  
THE HONORABLE LEONARD S. JACOBSON, Associate Judge

APPEARANCES:

For the Plaintiffs:  
PETER ZIMMERMAN, ESQUIRE  
RICHARD BURCH, ESQUIRE

For the Defendant:  
GEORGE BRESCHI, ESQUIRE

Reported by:  
KENDI IRWIN, CSR  
Official Court Reporter  
County Courts Building  
Towson, Maryland 21204  
887-2638







[illegible]

A VARIANCE TO SECTION 409.4 IS REQUESTED TO PERMIT VEHICULAR PARKING ON TRAVELWAYS OF AN OFF-STREET PARKING FACILITY.

[illegible]

01.000000  
 02.000000  
 03.000000  
 04.000000  
 05.000000  
 06.000000  
 07.000000  
 08.000000  
 09.000000  
 10.000000  
 11.000000  
 12.000000  
 13.000000  
 14.000000  
 15.000000  
 16.000000  
 17.000000  
 18.000000  
 19.000000  
 20.000000  
 21.000000  
 22.000000  
 23.000000  
 24.000000  
 25.000000  
 26.000000  
 27.000000  
 28.000000  
 29.000000  
 30.000000  
 31.000000  
 32.000000  
 33.000000  
 34.000000  
 35.000000  
 36.000000  
 37.000000  
 38.000000  
 39.000000  
 40.000000  
 41.000000  
 42.000000  
 43.000000  
 44.000000  
 45.000000  
 46.000000  
 47.000000  
 48.000000  
 49.000000  
 50.000000  
 51.000000  
 52.000000  
 53.000000  
 54.000000  
 55.000000  
 56.000000  
 57.000000  
 58.000000  
 59.000000  
 60.000000  
 61.000000  
 62.000000  
 63.000000  
 64.000000  
 65.000000  
 66.000000  
 67.000000  
 68.000000  
 69.000000  
 70.000000  
 71.000000  
 72.000000  
 73.000000  
 74.000000  
 75.000000  
 76.000000  
 77.000000  
 78.000000  
 79.000000  
 80.000000  
 81.000000  
 82.000000  
 83.000000  
 84.000000  
 85.000000  
 86.000000  
 87.000000  
 88.000000  
 89.000000  
 90.000000  
 91.000000  
 92.000000  
 93.000000  
 94.000000  
 95.000000  
 96.000000  
 97.000000  
 98.000000  
 99.000000  
 100.000000

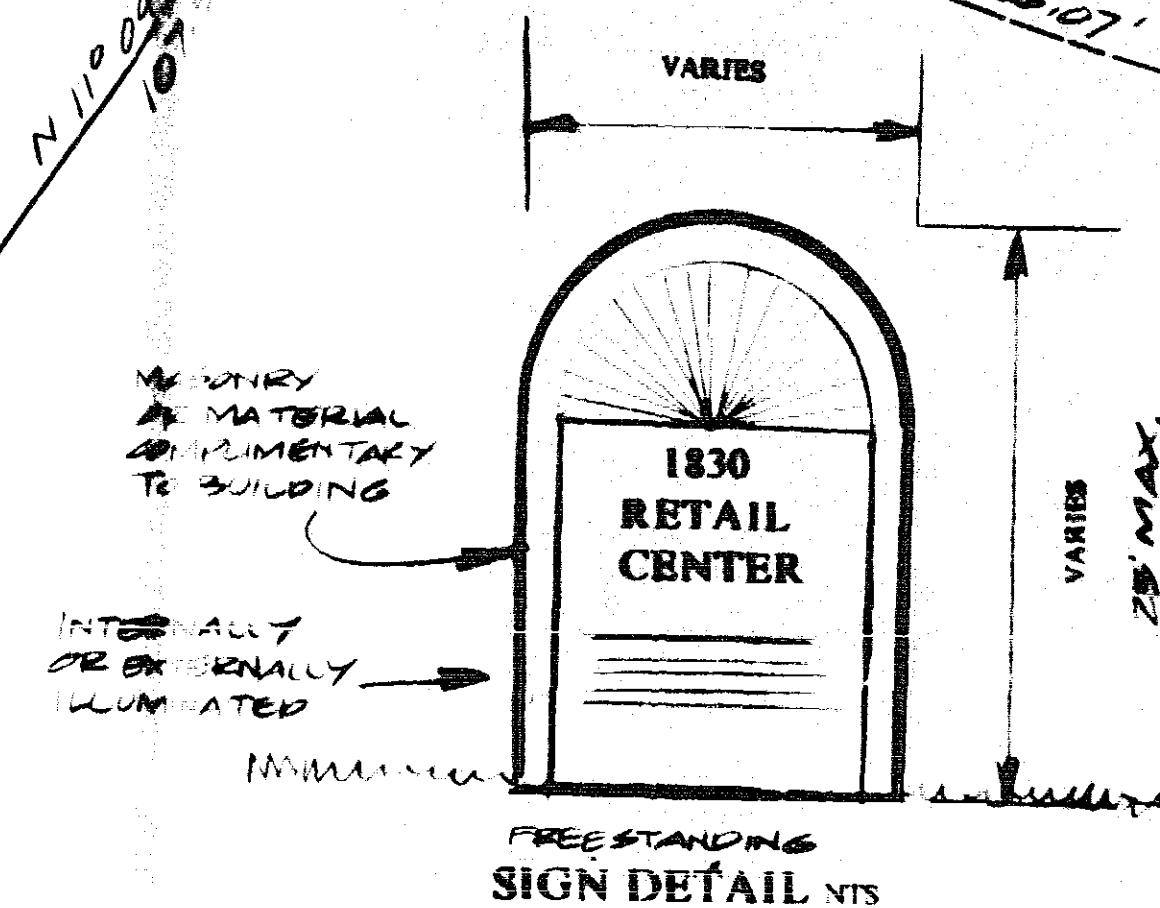
DEVELOPMENT OF SH-15 IS NOT EXPECTED TO RESULT IN A SUBSTANTIAL INCREASE IN SOUND/OTHER VIBRATION, DUST/GASES/CAUSTS LIGHT OR GREAT FACTORS THAT WHICH ALREADY EXISTS.

THIS SITE IS NOT IN A HISTORIC DISTRICT

EXISTING BUILDING, EXISTING PARKING AREA AND EXISTING LANDSCAPING SHOW  
HEREON TO REMAIN SUBSTANTIALLY IN THE SAME CONFIGURATION UNDER THE  
PROPOSED ZONING

PARKING REQUIREMENT (BASED ON RETAIL USE):	SPACE PER 100	100 SPACES
PARKING PROPOSED: 100 SPACES	SPACE PER 100	100 SPACES
EXCESS/SHORTAGE:		

1.  $\mathcal{L}_1$  is a linear space over  $\mathbb{R}$  and  $\mathcal{L}_2$  is a linear space over  $\mathbb{C}$ .  
2.  $\mathcal{L}_1$  is a linear space over  $\mathbb{C}$  and  $\mathcal{L}_2$  is a linear space over  $\mathbb{R}$ .  
3.  $\mathcal{L}_1$  is a linear space over  $\mathbb{C}$  and  $\mathcal{L}_2$  is a linear space over  $\mathbb{C}$ .  
4.  $\mathcal{L}_1$  is a linear space over  $\mathbb{R}$  and  $\mathcal{L}_2$  is a linear space over  $\mathbb{R}$ .



SIGNAGE IS CONCEPTUAL ONLY  
ALL SIGNAGE TO COMPLY WITH SECTION 413 BCZR  
AND ALL ZONING SIGN POLICIES  
SEE SHEET 2 FOR CONCEPTUAL WALL MOUNTED SIGNAGE

THE PROPOSED ZONING RECLASSIFICATION AREA DOES NOT REPRESENT A SUBDIVISION OF THE PARCEL NOR DOES IT DEFINE A LEASE AREA. IN THE EVENT OF SALE OR LEASE OF SAID AREA, A CROSS EASEMENT AGREEMENT MUST BE NEGOTIATED BETWEEN THE FUTURE OWNERS.

YORK RIDGE JOINT VENTURE IS TO REMAIN OWNER OF ENTIRE PARCEL AT THIS TIME (INCLUDING PROPOSED ZONING RECLASSIFICATION AREA).

**Proposed BM Zone Uses to be Limited to:**

Uses permitted by right in BL Zone UNDER SECTION 233.1

**Community building** OR OTHER STRUCTURE DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, EDUCATIONAL ACTIVITIES

Garage, service

**Machinery sales store**

Printing, lithographing, or

### Second-hand store

**Warehouses**

### Combination

### Accessory use of structures

**Special Exception uses in I**

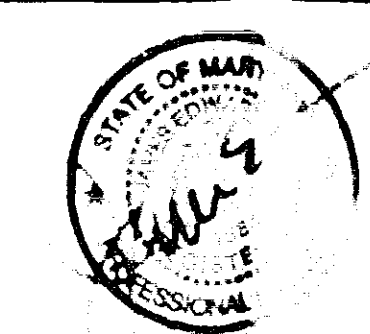
## Arcade

Miniature golf, GOLF DRIVING RANGE; BASEBALL BATTING CAGE

**Laboratory**  
**Public Health**

Public utility uses other than those noted in Sect. 200.11 and 230.9

ALL PARKING REGULATIONS OF THE ABOVE LISTED USES WILL BE MET  
BEFORE A USE AND OCCUPANCY PERMIT WILL BE ISSUED.



GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.

CIVIL ENGINEERS &amp; LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100  
TOWSON, MARYLAND 21204  
(301) 825-8122

**OWNER/APPLICANT**  
YORK RIDGELY JOINT VENTURE  
5720 EXECUTIVE BOULEVARD  
BALTIMORE, MARYLAND 21228  
410-788 0100

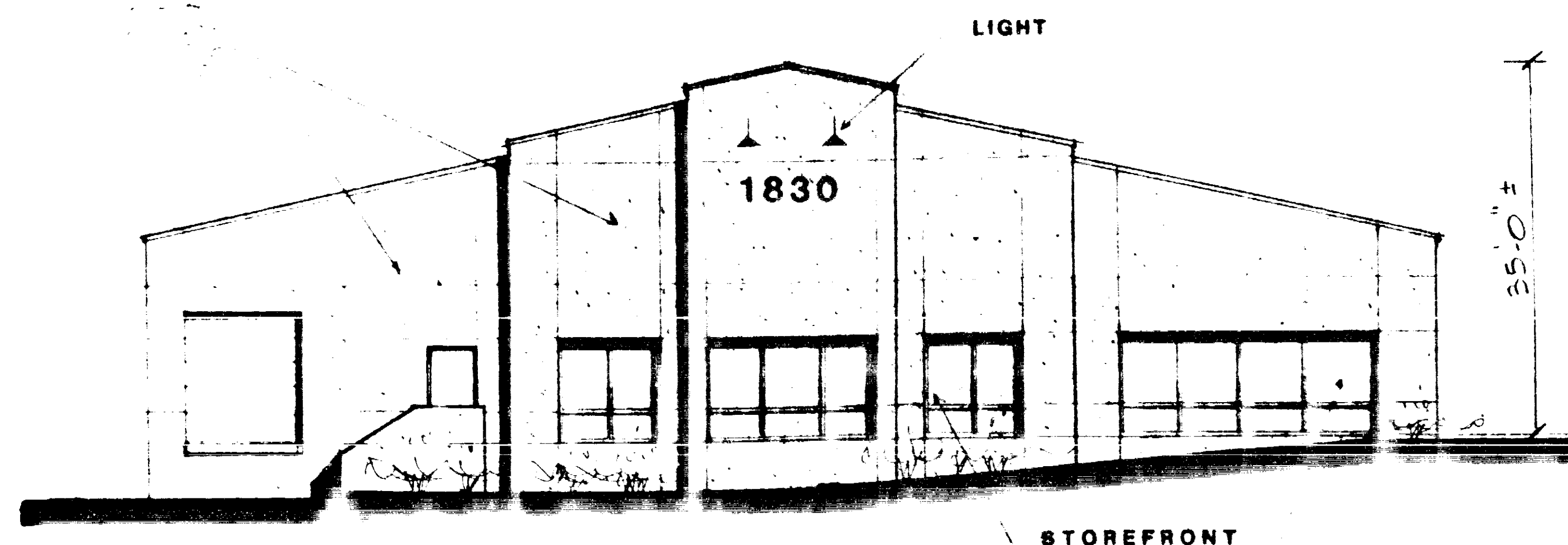
REVISIONS  
1/2/93 ADD  
INFORMATION FOR  
DOCUMENTED SITE  
PLAN  
1/2/93 ADD SIGN  
POSTS, USE  
RESTRICTIONS

PLAT TO ACCOMPANY  
ZONING RECLASSIFICATION  
APPLICATION / VARIANCE PLAT  
1830 YORK ROAD

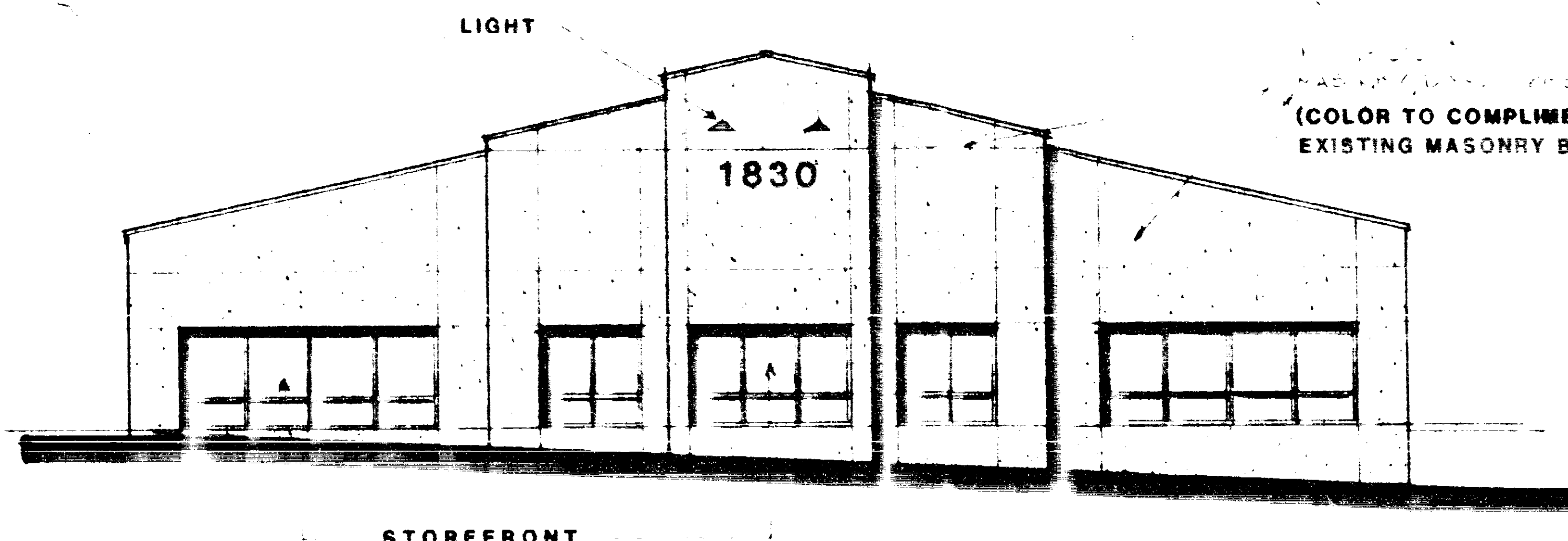
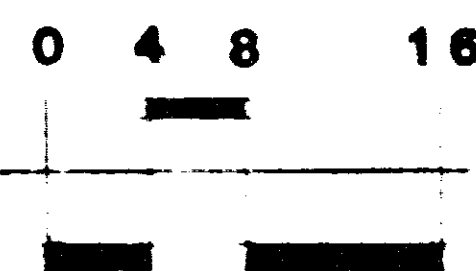
BALTIMORE COUNTY, MARYLAND  
 SCALE 1"=30'  
 ELECTION DISTRICT NO. 8  
 FEBRUARY 25, 1993

SHEET 1 OF 2

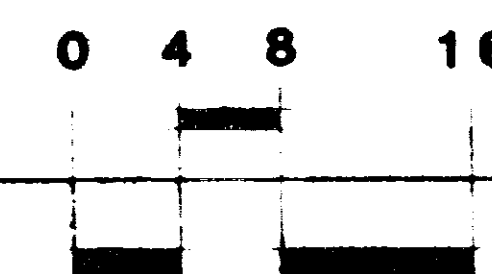




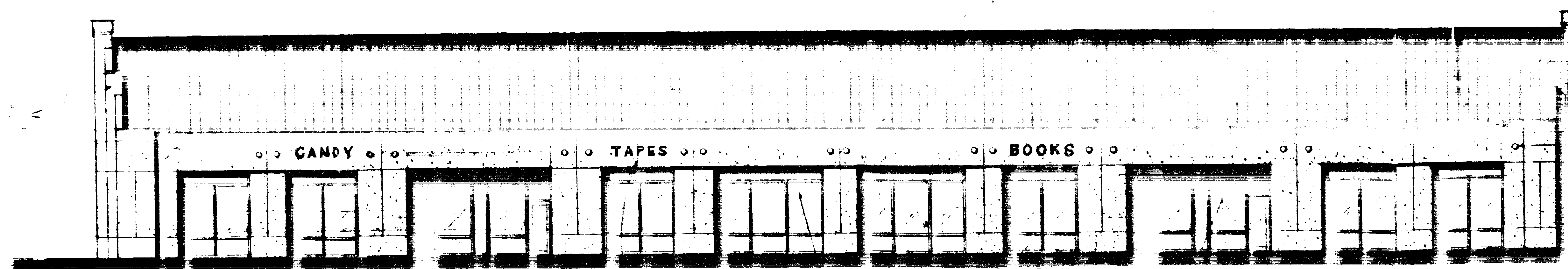
LEFT SIDE ELEVATION



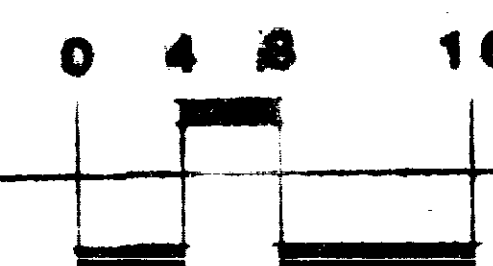
RIGHT SIDE ELEVATION



NOTES: Architectural detail exceeding  
material & building & 28 and  
not to be considered as



YORK ROAD ELEVATION



NEW RETAIL CENTER  
**1830 YORK ROAD**  
TIMONIUM, MARYLAND

WALL MOUNTED  
SIGNAGE (CONCEPTUAL)  
SIGNAGE TO CONTAIN  
TO BE ON A/B BACK  
AND ALL ZONING SIGNS  
POLICIES



OWNER/APPLICANT  
YORK RIDGELY JOINT VENTURE  
5720 EXECUTIVE BOULEVARD  
BALTIMORE, MARYLAND 21228  
410-788-0100

PLAT TO ACCOMPANY  
ZONING RECLASSIFICATION  
APPLICATION  
**1830 YORK ROAD**  
BALTIMORE COUNTY, MARYLAND  
SCALE 1"=30'  
ELECTION DISTRICT NO. 8  
SHEET 2 of 2

**robert t. hofmann**  
and associates, inc.  
architects  
6501 york road  
baltimore, maryland 21212  
(410) 877-9100